



The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 5

Shillong, Thursday, January 30, 2025

10th Magha, 1946 (S. E.)

Separate paging is given on this part in order that it may be filed as a separate compilation.

PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 3rd January, 2025.

No.LE&SD.39/2024/24. - The draft on the Code on Social Security Meghalaya Rules, 2024 which the Government of Meghalaya proposes to make in exercise of the powers conferred by Section 154 and 156 of the Code on Social Security 2020 is hereby published as required by sub- Section (1) of Section 154, sub-Section (1) of Section 156 and clause (a) of Section 158 for the information of all the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after forty five (45) days from the date of its publication in the Official Gazette.

Any objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government. Objections and suggestions, if any, shall be addressed to the Deputy Secretary to the Government of Meghalaya, Department of Labour, Employment and Skill Development, Secretariat Hills, Shillong or by email tolabourdeptt.sectt@gmail.com

Principal Secretary to the Govt. of Meghalaya,
Department of Labour, Employment
& Skill Development.

DRAFT RULES**CHAPTER I****PRELIMINARY****1. Short title and extent.-**

- (1) These Rules may be called the Code on Social Security Meghalaya Rules, 2024.
- (2) They shall extend to the whole State of Meghalaya.
- (3) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.-

- (1) In these Rules, unless the subject or context otherwise requires,—
 - (a) "**appeal**" means an appeal preferred under clause (b) of sub-section (7) of section 37 and sub-section (8) of section 56 ;
 - (b) "**Appellate authority**" means –
 - (i) The State Government or the Labour Commissioner or the authority specified by the State Government for the purpose of sub-section (8) of section 56 and;
 - (ii) ESI Court constituted by the State Government for the purpose of clause (b) of sub-section (7) of Section 37;
 - (c) "**Assessing Officer**" means a gazetted officer of the State Government or an officer of a local authority holding an equivalent post to a gazetted officer of the State Government appointed by such State Government for assessment of cess under chapter VIII of the Code.
 - (d) "**authority**" means the State Government or the authority specified by the State Government under sub-section (3) of section 72;
 - (e) "**average daily wages during a contribution period**" under Chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
 - (f) "**average daily wages during a wage period**" under chapter IV of the Code means —
 - (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
 - (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 days or day if the wage period be a month, a fortnight, a week or a day respectively;

Explanation.— Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as a part of the day preceding;

- (g) "**benefit period**" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (h) "**Board**" means the **Meghalaya Unorganised Workers Social Security Board** and the **Meghalaya Building and Other Construction Workers' Welfare Board** constituted under Section 6 and Section 7 as relevant under the Code;
- (i) "**Career Centre**" means the **Employment Exchange** in the State of Meghalaya or any other such centres notified by Government from time to time.
- (j) "**Cess Collector**" means an officer appointed by the State Government for collection of cess under the Code;
- (k) "**Chairperson**" means the Chairperson of the Meghalaya Building and Other Construction Workers' Welfare Board and the Meghalaya Unorganized Workers Welfare Social Security Board.
- (l) "**Code**" means the Code on Social Security, 2020 (36 of 2020);
- (m) "**Court**" means the employee insurance court constituted under Section 50 of the Code;
- (n) "**electronically**" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of the Code;
- (o) "**excluded vacancies**" means those vacancies which have been excluded from the purview of Section 139 as per the provisions of sub-sections (1) and (2) of Section 140;
- (p) "**form**" means a form appended to these Rules;
- (q) "**fund**" means Social Security Fund, as specified in Section 108 and Section 141 as the case may be;
- (r) "**Government**" means Government of Meghalaya;
- (s) "**Government Securities**" means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016);
- (t) "**immovable property**" includes land, benefits to and arising out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (u) "**movable property**" means property of every description except immovable property;
- (v) "**nodal officer**" means a person designated by the Meghalaya Building and Other Construction Workers' Welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other

function of building workers working in the private sector, State Government, Central Government and public sector undertakings of the Central and the State Governments or local authority. The Nodal officer shall also supervise and monitor functions of the beneficiary registering officers designated by the State Government.

- (w) "**nomination**" means nomination made under Section 55 of the Code;
 - (x) "**Portal**" means **Shram Seva Portal** or official web portal of Labour Department, Government of Meghalaya with any other name;
 - (y) "**Registered Medical Practitioner**" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
 - (z) "**register of women employees**" means a register of women employees maintained under Rule 29;
 - (za) "**schedule**" means the schedule of the Code;
 - (zb) "**section**" means a section of the Code;
 - (zc) "**specified**" means specified by an order of the Central Government or State Government or any officer so authorised by such Government;
 - (zd) "**year**" means the financial year, beginning from the 1st day of April and ending with the 31st day of March of the following year.
- (2) The words and expressions used in these Rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

A. MEGHALAYA UNORGANISED WORKERS SOCIAL SECURITY BOARD

3. **Manner of exercising the powers and performance of the functions by the Meghalaya Unorganised Workers Social Security Board under sub-section (9), the manner of nomination of members of the Board, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies among the members of the Board under sub-section (12) and time, place and rules of procedure relating to the transaction of business at its meetings under sub-section (14) of Section 6.-**

- (1) **Constitution** of the Meghalaya Unorganised Workers Social Security Board:-

The 'Meghalaya Unorganized Workers Social Security Board' shall be constituted under sub section (9) of Section 6, which shall consist of:

- (a) The Minister in-charge of Labour, Meghalaya as the ex-officio Chairperson;
- (b) Principal Secretary to the Govt. of Meghalaya, Department of Labour, Employment & Skill Development as Vice Chairperson;

- (c) Representative of the Central Government;
- (d) Thirty one members to be nominated by the State Government out of whom –
- (1) seven representing the employees of unorganized workers ;
 - (2) seven representing the employers of unorganized workers;
 - (3) two members representing the Legislative Assembly of Meghalaya ;
 - (4) five members representing eminent persons from civil society;
 - (5) ten members representing the State Government Departments concerned:
- Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the minorities and women.
- (e) Member Secretary as notified by the State Government;
- Apart from the Chairman of Meghalaya Unorganized Workers Social Security Board, all other members who will be nominated by the State Government will be eminent persons in the fields of Labour Welfare, Management, Finance, Law, Economics, Rural Development and Administration.
- (2) **Terms of Office.-** A member appointed under clauses (d) and (e) of sub-rule (1) of rule 3 shall, unless he resigns his office or dies or otherwise vacates his office at an earlier date, hold office for a period of three years from the date of publication of the notification in the Meghalaya Gazette appointing him as a member of the Board and shall be eligible for reappointment:
- Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.
- (3) **Resignation.-**
- (i) A member appointed under clauses (d) and (e) of sub-rule (1) of Rule 3 may resign by writing under his hand addressed to the State Government.
 - (ii) The resignation shall take effect from the date of its acceptance by the State Government.
- (4) **Vacation of office.-** A member appointed under clauses (d) and (e) of sub-rule (1) of Rule 3 shall be deemed to have vacated his office, if –
- (i) he is declared to be of unsound mind or an undischarged insolvent by a competent court; or
 - (ii) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
 - (iv) he ceases to represent the interest for representing which he was appointed;
 - (v) he is removed by the State Government for the reasons given above.

- (5) **Filling up of casual vacancies.**- A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the term of office of the member, in whose place he is appointed.
- (6) **Meetings of the Board and Quorum.-**
- (i) The Board shall ordinarily meet once in three months:
- Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.
- (ii) No business shall be transacted at any meeting of the Board, unless at least 11 (eleven) members are present, of whom at least 1 (one) shall be from among those appointed under clause (a), (b) and (c) of sub-rule (1) of Rule 3.
- (7) **Notice of meeting and list of business.**- Notice intimating the date, time and venue of every meeting, together with a list of business to be transacted at the meeting, shall be sent by registered post or by special messenger, to each member seven days before the meeting of Board separately:
- Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.
- (8) **Chairperson to preside at meetings.**- The Chairperson will preside over all the meetings of the Board and if he is unable for any reason to be present in the Board meeting, the Vice-Chairperson will preside over the meeting.
- (9) **Transaction of Business.**-All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.
- (10) **Minutes of meeting.**- The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson as soon as possible after the meeting, subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.
- To be checked
by Finance
Department
- (11) **Allowances payable to non-official members.** - Travelling allowance and daily allowance will be paid at the rates permissible to the Grade-I officers of the State Government to each Government member to attend the meetings of the Board and its sub-committees.
- (12) **Sub-Committees of the Board.-**
- (i) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
- (ii) Each sub-committee will be headed by the Chairperson of the Board and will have an equal number of unorganized workers, employers and members of the Board representing the State Government.
- (iii) In the absence of the Chairperson, the members present of the sub-committee shall elect one of their own to preside over the meeting.

- (iv) No work shall be performed at a meeting of the sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one unorganized worker.
- (v) The term of any sub-committee except the sub-committee constituted for the short-term purpose shall be one year from the date of its constitution, but the sub-committee shall continue to function until a new sub-committee is formed, but in any case, no sub-committee shall function beyond the period of two years from the date of its original formation.
- (vi) The recommendations of each sub-committee shall be placed before the Board for its decision.

(13) Appointment of Secretary, other officers and staff.-

- (i) The Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service / State Administrative Service of Selection grade / an officer not below the rank of a Labour Commissioner/an Officer from the Labour Commissionerate not below the rank of Deputy Secretary as Secretary of the Board;
- (ii) Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions.

Provided that no post shall be filled up in the Board, unless its creation has first been approved by the State Government.

(14) Duties and functions of the Board.-

- (1) Under sub-section (15) of section 6 of the Code, the Board shall adopt the following procedure for the performance of its duties, a scheme stipulating the procedures, formats and all other residual matters regarding each facility or group of facilities specified by the Board and the Code. Not expressly provided in these Rules, the Board shall prepare and recommend to the State Government under which the following shall be mentioned-
 - (i) Rates at which various facilities will be payable;
 - (ii) Application procedure and format;
 - (iii) Procedure for sanctioning and Competent authority to grant approval;
 - (iv) Procedure for disbursement; and
 - (v) Any other incidental matters.
- (2) The Board can advise the State Government from time to time on the points related to the administration of the Code.
- (3) Undertake such other functions as are assigned to it by the State Government from time to time.

To be checked
by Personnel
Department.

(15) Recruitment procedure and service conditions of officers and staff of the Board.-

- (i) Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, will be such as may be determined by the Board with the prior approval of the State Government.
- (ii) If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

**B. MEGHALAYA BUILDING AND OTHER CONSTRUCTION
WORKERS WELFARE BOARD**

The terms and conditions of appointment, salaries and other allowances payable to the Chairperson and the other members of the Building and Other Construction Workers Welfare Board and the manner of filling of casual vacancies of such members, the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of Section 7.

4. Name of the Board.—The name of the Board shall be the “Meghalaya Building and Other Construction Workers Welfare Board”.

(1) **Constitution of the Board.**—The Board shall consist of-

- (i) The Additional Chief Secretary/ Principal Secretary/Commissioner & Secretary/ Secretary to the Govt. of Meghalaya, Department of Labour, Employment & Skill Development, Shillong as the ex-officio Chairperson,
- (ii) Representative of the Central Government,
- (iii) Five members to be appointed by the State Government representing Government Departments of whom two shall be representatives of Department of Labour, Employment & Skill Development and one shall be representative of Finance Department and two shall be representatives of Departments engaged in building or other construction work,
- (iv) Five members to be appointed by the State Government representing building workers, and
- (v) Five members to be appointed by the State Government representing employers of building workers:

Provided that the Building and Other Construction Workers Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.

(2) **Term of Office.**—A member appointed under clauses (iv) and (v) of sub-rule (1) of Rule 4 shall hold office unless he resigns his office or dies or otherwise vacates his office at an earlier date, hold office for a period for three years from the date of publication of the notification in the Meghalaya Gazette appointing him as a member of the Board and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(3) **Resignation.—**

- (i) A member appointed under clauses (iv) and (v) of sub-rule (1) of Rule 4 may resign by writing under his hand addressed to the State Government;
- (ii) The resignation shall take effect from the date of its acceptance by the State Government.

(4) **Vacation of office.—**A member appointed under clauses (iv) and (v) of sub-rule (1) of Rule 4 shall be deemed to have vacated his office, if –

- (i) he is declared to be of unsound mind or an undischarged insolvent by a competent court; or
- (ii) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (iv) he ceases to represent the interest for representing which he was appointed; or
- (v) he is removed by the State Government for the reasons given above.

(5) **Filling up or casual vacancies.—** A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the term of office of the member, in whose place he is appointed.(6) **Meeting of the Board and Quorum.—**

- (i) The Board shall ordinarily meet once in three months:

Provided that the Chairperson shall, within fifteen days of the receipt of requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

- (ii) No business shall be transacted at any meeting of the Board, unless at least 6 (six) members are present, of whom at least one shall be from among those appointed under sub-rule (3) of Rule 4.

(7) **Notice of meeting and list of business.—**

Notice intimating the date, time and venue of every meeting, together with a list of business to be transacted at the meeting, shall be sent by registered post or by special messenger, to each member seven days before the meeting of each Board separately:

Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

(8) **Chairperson to preside at meetings.—**

The Chairperson will preside over all the meetings of the Board and if he is unable for any reason to be present in the Board meeting, the Vice-Chairperson will preside over the meetings.

(9) **Transaction of Business.—**

All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.

(10) **Minutes of meeting.—**

The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson, subject to confirmation of the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

To be checked
with Finance
Department

(11) **Allowances payable to non-official members.—**

Travelling allowance and daily allowance will be paid at the rates permissible to the Grade-I officers of the State Government or each Government member to attend the meetings of the Board and its sub-committees.

(12) **Sub-Committees of the Board.—**

- (i) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
- (ii) Each sub-committee will be headed by the Chairperson of the Board and will have an equal number of building and other construction workers, employers and members of the Board representing the State Government.
- (iii) In the absence of the Chairperson, the members present of the sub-committee shall elect one of their own to preside over the meeting.
- (iv) No work shall be performed at a meeting of the sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one building and other construction worker must be among the members represented.
- (v) The term of any sub-committee except the sub-committee constituted for the short-term purpose shall be one year from the date of its constitution, but it shall continue to function until a new sub-committee is formed, but in any case, no sub-committee shall function beyond the period of two years from the date of its original formation.
- (vi) The recommendations of each sub-committee shall be placed before the Board for its decision.

(13) **Opening of Regional Offices.—**

With the approval of the State Government, the Board may open as many regional Offices as it deems necessary for efficient discharge of its functions under the Code.

(14) **Duties and functions of the Board.—**

- (i) Under sub-section (6) of Section 7 of the Code, the Board shall be responsible for:
 - (a) all matters related to the administration of the fund, including setting policies for the allocation of funds in it;

- (b) submission of annual budget, annual report and audited accounts to the Government under the Code;
 - (c) proper maintenance of accounts as per the provisions of the Code and its annual audit;
 - (d) collection of contribution and other charges in the fund;
 - (e) performing the functions specified in and under the Code;
 - (f) the Board shall, from time to time, give such information to the Government as it wishes.
- (ii) Notification of schemes by the Board stipulating procedural and other residual matters related to the facilities-
- The Board shall formulate schemes which are provided in the Code and these Rules, laying down the procedure formats and all other residual matters regarding each facility or group of facilities specified and notification of each scheme with prior approval of the State Government under which:
- (a) rates at which various facilities will be payable;
 - (b) application, procedure and format shall be made;
 - (c) procedure for sanctioning and Competent authority to grant approval shall be made;
 - (d) procedure for disbursement; and
 - (e) any other incidental matters shall be made.

(15) Appointment of Secretary, other Officers and staff.—

- (i) The Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service (IAS)/ State Administrative Service (MCS) of selection grade/ an officer not below the rank of a Labour Commissioner/an Officer from the Labour Commissionerate not below the rank of Deputy Secretary as Secretary of the Board.
- (ii) The Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions:

Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State Government.

To be checked
with Personnel,
Finance and
Education
Department.

(16) Recruitment Procedure and Service Conditions of Officers and Staff of the Board.—

- (i) Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, as may be determined by the Board with the prior approval of the State Government;
- (ii) If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

5. Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of Section 7.—

Notwithstanding the welfare schemes mentioned in the sub-section (6) of Section 7 of the Code, the Board shall also formulate following scheme(s) for the Building workers and notification with prior approval of the State Government.

- (1) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
- (2) frame educational schemes for the benefit of children of the beneficiaries; and
- (3) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

CHAPTER III

EMPLOYEES' INSURANCE COURT

6. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of Section 37.—

The Insured Person or the Corporation may appeal to the Employee's Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

7. Procedure to be followed by the Employees' Insurance Court under sub-section (2) of Section 50.—

- (1) Composition of the Court and place of sitting.—
 - (i) A court shall ordinarily consist of one judge:
Provided that the Government may by notification in the Official Gazette appoint two or more judges to a court for any particular proceedings or class of proceedings for such period as may be specified in the notification;
 - (ii) Subject to the provision of sub-rule (3) of Rule 7, a court shall sit at such place or places and at such time as the Government may specify.
- (2) **Distribution of business where there are more Courts than one.**—Where more than one Court is constituted for the same local area, the Government may, by a general or special order, distribute business among them.
- (3) **Fixing of time of sitting etc.**—Where there is one Court for two or more local areas.—
 - (i) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Code.

- (ii) A notice of the time appointed under sub-rule (1) shall be published in such manner as the Government may, from time to time, direct.
- (4) Procedure where there are more judges than one.—
 - (i) Where more than one judge has been appointed to a Court, the Government shall specify their rank and precedence.
 - (ii) The senior judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the judges thereof.
 - (iii) When two or more judges sitting together, differ on any question the opinion of the majority of such judges shall prevail, where there is no majority, the opinion of the senior most judge shall, unless the Government otherwise directs, prevail.
- (5) **Abolition, etc. of a Court.**—The Government may, by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

Conditions of Service of Judges etc.

- (6) **Appointment, salaries, allowances etc.—**
 - (i) The Government may appoint a person qualified under Section 48 of the Code to be judge of the court.
 - (ii) A judge shall receive such salary and allowances as the Government may from time to time determine.
 - (iii) A judge shall receive dearness allowance, compensatory hill allowance, house rent allowance and other allowances at such rate and conditions as are applicable to officer of the government of a corresponding rank station at the same place.
 - (iv) A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.
 - (v) A Judge shall be entitled to travelling allowances for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the Government such judge belongs.
 - (vi) A Judge shall be subject to such other conditions of service, as the Government may determine.
 - (vii) Notwithstanding, anything contained in sub-rule (2) to (5) the pay, allowances and other conditions of service of a Judge, if he is a person already in the service of the Government shall be such as the Government may by a general or special order, from time to time, determine.

To be checked
by Finance and
Personnel
Departments

- (7) **Appointment of other officers and subordinate staff.—**
 - (i) The Government may appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and, performance of the powers and duties conferred and imposed on a Court by or under the Code.
 - (ii) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or, if there are more judges than one, the senior judge, may, subject to any order of the Government from time to time, direct.
 - (iii) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the Government.

Administrative Control and Court Seal

- (8) **Administrative control of the High Court.**—All Courts shall be subject to the administrative control and superintendence of the High Court, and shall –
- (i) keep such registers, books and accounts as the High Court may, from time to time, prescribe; and
 - (ii) comply with such requisitions as may, be made by the High Court or the Government for submission of service records, returns and statements in such forms and in such manner as the authority making the requisition directs.
- (9) **Seal.**—A Court shall keep a seal of such size, dimensions and design as the Government may direct.

Procedure and Execution of orders

- (10) **Application.**—
- (i) Every proceeding under Section 49 shall be instituted by presenting an application to the Court.
 - (ii) Every application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.
 - (iii) An application shall be presented in **Form I**. It shall be duly stamped in accordance with these Rules, and shall contain the following particulars:-
 - (a) the name of the Court in which the application is brought;
 - (b) the full name including the father's name, description including age, occupation and place of residence of the applicant;
 - (c) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;
 - (d) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her guardian or next of kin;
 - (e) the facts constituting the cause of action and the date when it arose;
 - (f) the facts showing that the court has jurisdiction;
 - (g) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
 - (h) the relief which the applicant claims.
 - (iv) The application may be rejected if it is not in accordance with clause (iii) above.
- (11) **Production of documents.**—
- (i) When any application is based upon any documents, the documents shall be appended to the application.
 - (ii) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.
 - (iii) Any document which is not produced at or within the time specified in clause (i) or (ii), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.
 - (iv) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in **Form II**.

- (v) Nothing in this Rule shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.
- (12) **Register of proceedings.**—All applications shall be entered in a Register in **Form III** called the register of proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.
- (13) **Place of suing.**—In cases not falling under sub-rule (2) and sub-rule (1) of Rule 7, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction:
- (i) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings actually and voluntarily resides, or carries on business, or personally works for gain; or
 - (ii) any of the opposite parties, where there are more than one, at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the court is given, or the opposite parties who do not reside, or carry on business or personally work for gain as aforesaid, acquiesce in such institution; or
 - (iii) the cause of action, wholly or in part, arose.
- (14) **Application presented to wrong Court.**—
- (1) If on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return with the reasons for returning it and the designation of the Court to whom it should be presented.
 - (2) If it appears to the Court at any State subsequent to the presentation of an application, that the application should have been presented to another court, in the same State, it shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, accordingly).
 - (3) The Court to whom an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.
- (15) **Issue of summons.**—
- (1) On receiving an application the Court shall, if the same has not been rejected under clause (iv) of sub-rule(10), within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the 'opposite party'), a summons in **Form IV and Form V**, as the case may be to appear and answer the application in a day, not later than fifteen days from the day of issue of such summons, to be specified therein :

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.
 - (2) A copy of the application shall also be sent along with the summons under sub-rule (1).
- (16) **Serving of summons or notice.**—
- (1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued either by registered post or in such other manner as the Court thinks fit.
 - (2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon

some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and it shall be effectual as if it had been made on the opposite party personally.

- (3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

(17) **Additional matters in the summons.—**

The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/ or for the final disposal of the application and the summons shall contain a direction accordingly.

The Court may also call upon the parties to produce upon that date any evidence which they wish to render.

(18) **Proceedings involving disablement question.—**

If in any proceeding before the Court, any disablement question (As defined in Section 37 of the Code) arises and the decision of a Medical Board or a Medical Appeal Tribunal has not been obtained on the same and the decision of such questions is necessary for determination of the claim or question before the Court, that Court shall direct the Corporation to have the question decided as laid down in Section 37 and shall thereafter proceed with the determination of the claim or question before it in accordance with Section 49.

(19) **Written statement.—**

- (i) The opposite party may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in **Form II**.
- (ii) Every such written statement shall be verified in the same manner as a pleading in a civil Court and shall be accompanied by two copies thereof.
- (iii) In any written statement submitted under clause (i) the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denied the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the application as for instance, fraud, undue influence or coercion, release payment, performance of facts showing illegality of the transaction.

(20) **Failure to present written statement called for by the Court.—**

Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court may, pronounce judgement against him or make such order in relation to the proceeding as it thinks fit.

(21) **Framing of issues.—**

- (i) At the first hearing of the application, after the summons has been issued, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.
- (ii) In recording the issues, the Court shall distinguish between those issue which in its opinion concern points of fact and those which concern points of law.

- (iii) The Court may, in like manner, at any time before passing its final order add to, strike out from, or in any way amend, the issues on such terms as it may think fit.
- (22) **Order where parties are not at issue.**—Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce its final order.
- (23) **Appearance of parties and consequences of non-appearance.—**
- (i) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under Section 51 and the application shall then be heard unless the hearing is adjourned by the Court.
 - (ii) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.
 - (iii) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof, in which case the Court shall make an order against the opposite party upon such admission and where only part of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.
 - (iv) Where the applicant appears and the opposite party after receiving the summons fails to appear, when the application is called on for hearing the Court may proceed ex parte.
 - (v) Where the application is wholly or partly dismissed under clause (ii) or (iii), the applicant may within thirty days of such dismissal apply in **Form VI** for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same :
- Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under clause (iii) unless notice of the application has been served in **Form VII** on the opposite party.
- (vi) In any application in which an ex parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in **Form VI** to the Court which passed the order, to set it aside and, if the Court is satisfied that he was prevented from appearing when the proceedings was called on for hearing due to any sufficient cause, it may, after serving notice thereof to the applicant in **Form VII**, make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.
- (24) **Summoning of witness.—**
- (i) At any time after framing of the issues the Court may call upon the parties to produce their evidence in support of the issues.
 - (ii) The Court may, on the application of either party issue a summons in **Form VIII** to any witness directing him to attend or to produce any document.
 - (iii) The Court may, before summoning any witness on application under clause (ii), require that his reasonable expenses to be incurred in attending the Court be deposited with it.
- (25) **Grant of time and adjournment of hearing.—**

- (i) The Court may, if sufficient cause is shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.
- (ii) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

(26) **Right to begin proceeding.—**

The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the application is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

(27) **Statement and production of evidence.—**

- (i) On the day fixed for the hearing of the application or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.
- (ii) The other party shall then state his case and produce his evidence, (if any) and may then address the Court generally on the whole case.
- (iii) The party beginning may then reply generally on the whole case.
- (iv) Notwithstanding anything contained in this Rule, the Court may order that the production of evidence or the address to the Court may be in any order which it may deem fit.

(28) **Method of recording evidence.—**

The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge by the junior Judge, or at the dictation of any such Judge in the open Court in the language of the Court, not ordinarily in the form of question and answer but in that of a narrative and, when completed, shall be read over or translated, where necessary, in the presence of such Judge, to the witness, and such Judge shall if necessary, correct the same, and shall sign it.

(29) **Recall of a witness.—**The Court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such question to him as the Court thinks fit.

(30) **Inspection by Court.—**The Court may at any stage of a proceeding inspect any property or thing concerned over which any question may arise.

(31) **Pronouncement or order.—**The Court, after the application has been heard, shall pronounce its final order in the open Court, either at once or on some future day, of which due notice shall be given to the parties.

(32) **Signing of order.—**The final order shall be dated and signed in open Court at the time of pronouncing it and once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from accidental slip or omission.

(33) **Statement of decision on each issue.—**In cases in which issues have been framed, the Court shall state its finding or decision, with the reason there for, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

- (34) **Compromise of suit.**—Where it is proved to the satisfaction of the Court that a case had been adjusted wholly or in partly by any lawful agreement or compromise, or where the opposite party satisfied the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass final order in accordance therewith so far as it relates to the case.
- (35) **Finality of Order.**—Save as provided in Section 52 the order of a Court shall be final and binding upon the parties.

Costs, Decree, etc.

- (36) **Costs.—**
- (1) The costs of an incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary direction for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.
- (2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.
- (37) **Contents of the decree.—**
- (1) A decree in **Form IX** shall be prepared in conformity with the order made by the Court. It shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.
- (2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportion such costs are to be paid.
- (3) The Court may direct that the cost payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.
- (38) **Certified copies of order, decree etc. to be furnished.—**
- (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expenses.
- (2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application thereof to the Court, he shall pay an additional fee of two rupees for each such copy.
- (3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing as the case may be, he shall pay an additional searching fee of two rupees.

Execution

- (39) **Execution.—**
- (1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in **Form X** to the Court which made the order for its execution.
- (2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such Civil Court shall have the same power in executing such order as, if it had been passed by it.
- (40) **Communication of fact of execution or otherwise.—**

The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

Fees and costs

(41) **Fees.—**

- (1) The fee payable on an application in respect of any matter referred to in Section 49 shall be Ten rupees.
- (2) The fee payable in respect of any other application except a written statement called for by the Court under these Rules shall be Five Rupees:

Provided that the fee for an application for obtaining a copy or translation of any document on record or statement, order to decree presented to or made before or by the Court, as the case may be, shall be Two Rupees.

- (3) The fee for copies of any document on record, or statement or order or decree shall be such as may, from time to time be determined by the Government.
- (4) The fee for any authorisation for the appearance of any person under Section 79 on behalf of any of the parties in a case shall be Ten Rupees.
- (5) The fee for filling certified copies of any document in a Court shall be Five Rupees.
- (6) All fees referred to in this Rule shall be collected by means of Court-fee stamps used in ordinary Courts and no document which ought to bear stamps under these Rules shall be of any validity unless and until it is properly stamped :

Provided that where any such document is through mistake or inadvertence received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as it had been properly stamped in the first instance.

- (7) No document requiring a stamp under this Rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

(42) **Payment of costs of services of summons, etc.—**

- (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of payable under these Rules shall be paid in such manner and within such time as it may specify therefore.
- (2) Any amount which is left over after meeting the expenses, if any, for which it was intended shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid into the Court.
- (3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

(43) **Fees and costs of poor persons.—**

The Court may, whenever it thinks fit, receive and register proceedings instituted under the Code and applications made under these Rules, by persons who are paupers, and may issue summons or notice on behalf of such persons, without payment or on a part payment of the fees and costs mentioned under these Rules.

- (44) In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these Rules, the provision of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Bharatiya Saksha Adhiniyan, 2023, shall so far as may be apply to proceedings under the Act.

8. Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of Section 51.—

- (1) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, aggrieved person or the employer of an establishment as the case may be.
- (2) Subject to the provisions of Chapter IV of the Code and Rules made by the State Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute aroused.
- (3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.
- (4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.
- (5) The Court to which any matter is transferred under sub-rule (3) or sub-rule (4) shall continue the proceedings as if they had been originally instituted in it.

CHAPTER IV
GRATUITY

9. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of Section 53.—

In the case of nominee, or an heir, who is minor, the Competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or Nationalised Bank.

Explanation.—“Nationalised Bank” means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

10. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of Section 55.—

- (1) A nomination shall be in **Form-XI** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer.
 - (i) In the case of an employee who is already in employment for a year or more on the date of commencement of these Rules but has not submitted the nomination, ordinarily, within ninety days from such date; and
 - (ii) in the case of an employee who has completed one year of service after the date of commencement of these Rules, ordinarily within thirty days of the completion of one year of service:

Provided that nomination in **Form-XI** shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

- (2) Within thirty days of receipt of nomination in **Form-XI** under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-XI** duly attested either by the employer or an officer authorised by him in this behalf as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family, submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of Section 55, in duplicate in **Form-XI** to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).
- (4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-XI** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.
- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or a notice of modification of nomination, as the case may be, and shall be submitted by the employee electronically or by registered post acknowledgement due to the employer.
- (6) A nomination or fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

11. Time within which and the form in which a written application shall be made under sub-section (1) and the form of application to the Competent authority under clause (b) of sub-section (5) of Section 56.—

(1) Application for Gratuity:

- (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-XII** to the employer:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement:

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of one year and he shall be paid gratuity at the rate of fifteen days wages, based on the rate of wages last drawn by him, for every completed year of service or part thereof in excess of six months.

- (b) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of Section 53 shall apply, ordinarily within thirty days from the date that gratuity became payable to him, in **Form-XII** to the employer:

Provided that an application in plain paper with relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him.

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of Section 53 shall apply, ordinarily within one year from the date that gratuity became payable to him, in **Form-XII** to the employer.

- (d) Where gratuity becomes payable under the Code before the commencement of these Rules, the periods of limitation specified in clauses (a), (b) and (c) of sub-rule (1) shall be deemed to be operative from the date of such commencement.
- (e) An application for payment of gratuity filed after the expiry of the periods specified in this Rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the Competent authority for his decision.
- (f) An application under this Rule shall be presented to the employer either electronically or by personal service or by registered post acknowledgement due.

(2) **Notice for payment of gratuity.—**

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall—
 - (i) if the claim is found admissible on verification, issue a notice in **Form-XIII** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or
 - (ii) if the claim for gratuity is not found admissible, issue a notice in **Form-XIII** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

In the case of denial of gratuity a copy of the notice shall be endorsed to the Competent authority.

Explanation.- For the purpose of determination of gratuity under this Rule, it is clarified that-

- (i) *The exclusion from wage, as specified under sub-clause (a) and (b) of clause 88 of Section 2 shall also include any payment payable on an annual basis, that is linked to performance or productivity of an employee or of the establishment in which he is employed and is not part of the remuneration payable under the terms of employment: and*
- (ii) *The following shall not form part of the wage:-*
 - (a) reimbursement of medical expenses;
 - (b) stock option benefit or cash equivalent of stock award;
 - (c) crèche allowance
 - (d) telephone and internet reimbursement; and
 - (e) value of meal vouchers
- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-XIII** under sub-clause (i) of clause (a) of sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintain ability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect

from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

- (d) A notice in **Form-XIII** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.
 - (e) A notice under sub-section (2) of Section 56 shall be in **Form-XIII**.
- (3) **Mode of payment of gratuity.**—The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be:

Provided that intimation about the details of payment shall also be given by the employer to the Competent authority of the area.

(4) **Application to Competent authority for direction under clause (b) of sub-section (5) of Section 56.—**

- (a) If an employer
 - (i) refuses to accept a nomination under Rule 10 or to entertain an application sought to be filed under sub-rule (1), or
 - (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
 - (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein,

the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-XIV** to the Competent authority for issuing a direction under sub-section (5) of Section 56 with as many extra copies as are the opposite party(ies):

Provided that the Competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

- (b) Application under clause (a) of sub-rule (4) and other documents relevant to such an application shall be presented in person to the Competent authority or shall be sent by registered post acknowledgement due or electronically.

(5) **Procedure for dealing with application for direction.—**

- (a) On receipt of an application under sub-rule (4) the Competent authority shall, by issuing a notice in **Form-XV**, electronically or by registered post acknowledgement due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the Competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act, together with a written statement explaining his interest in the matter and praying for permission so to act. The Competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative.
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the Competent authority shall record his finding as to whether

any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

- (e) If the employer concerned fails to appear on the specified date of hearing after due serving of notice without sufficient cause, the Competent authority may proceed to hear and determine the application ex-parte. If the applicant fails to appear on the specified date of hearing without sufficient cause, the Competent authority may dismiss the application:

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen days notice to the opposite party of the date fixed for re-hearing of the application.

(6) **Place and time of hearing.—**

The sittings of the Competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

(7) **Administration of oath.—**

The Competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.

(8) **Summoning and attendance of witnesses.—**

The Competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear just to the Competent authority, issue summons to any person in **Form-XV** either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) **Service of summons or notice.—**

(a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the Competent authority may be served either personally or be registered post acknowledgment due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).

(b) Where there are numerous persons as parties to any proceeding before the Competent authority and such persons are members of any Trade Union or association or are represented by an authorised person, the serving of notice on the Secretary, or where there is no Secretary, on the principal officers of the Trade Union or association, or on the authorised person, shall be deemed to be notice served on such persons.

(10) **Maintenance of records of cases by the Competent authority.—**

(a) The Competent authority shall record the particulars of each case under Section 56 and at the time of passing orders shall sign and date the particulars so recorded.

(b) The Competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.

(c) Any record, other than a record of any order or direction, which is required by these Rules to be signed by the Competent authority, may be signed on behalf of and under the direction of the Competent authority by any subordinate officer appointed in writing for this purpose by the Competent authority.

(11) **Direction for payment of gratuity.—**

If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the Competent authority shall issue a notice to the employer concerned in **Form-XVI** electronically or by registered post acknowledgement due

or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the Competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) **Appeal.—**

- (a) The Memorandum of appeal under sub-section (8) of Section 56 of the Code shall be submitted to the Appellate authority with a copy thereof to the opposite party and the Competent authority either through delivery in person or by registered post acknowledgement due or electronically.
- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the Competent authority, the grounds of appeal and the relief sought.
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the Competent authority and direction for payment of gratuity.
- (d) On receipt of the copy of Memorandum of appeal, the Competent authority shall forward records of the case to the Appellate authority.
- (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the Appellate authority with a copy to the appellant.
- (f) The Appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal electronically or by registered post or in person and a copy thereof shall be sent to the Competent authority returning his records of the case.
- (g) The Competent authority shall, on receipt of the decision of the Appellate authority, make necessary entry in the records of the case maintained by him.
- (h) On receipt of the decision of the Appellate authority, the Competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form-XVI** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the Competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the appellant employee, nominee or legal heir, as the case may be, and also to the Appellate authority.

(13) **Application for recovery of gratuity.—**

Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the Competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the Competent authority in duplicate in **Form XVII** for recovery thereof under Section 129 of the Code.

12. Appointment of Competent authority.—

The Competent authority shall be an officer having experience in labour matters who shall be appointed by the State Government by notification.

CHAPTER V

MATERNITY BENEFIT

13. Authority to which an appeal may be preferred under sub-section (3) of Section 72.—

(1) **Complaint under Section 72.—**

- (a) A complaint under sub-section (1) of Section 72 shall be made in writing in **Form-XVIII** as the case may be.
- (b) When a complaint referred to in Section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld he shall direct the employer to make the payment to the woman or to the person claiming the payment under Section 63, as the case may be, immediately or within a period not exceeding forty-five days.

Provided that the time limit for disposal of complaint shall not exceed ninety days from the date of filing of complaint. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the complaint.

(2) **Appeal under Section 72.—**

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of Section 72 shall be filed with the Competent authority.
- (b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in **Form-XIX** and file other supporting documents.
- (c) When an appeal is received, the prescribed Authority shall call from the Inspector-cum-Facilitator before a fixed date, the records of the case. The prescribed Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification if any is required.
- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed Authority shall give his decision within a period of ninety days from filing of the application before him. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

(3) **Authority to whom an appeal may be preferred:**

A person aggrieved by the order of the Inspector-cum-Facilitator under sub-section (2) of Section 72 may appeal to the Labour Commissioner, Meghalaya.

CHAPTER VI

EMPLOYEE'S COMPENSATION

14. The amount to be deposited towards the expenditure of the funeral of the employee with the Competent authority by the employer under sub-section (7) of Section 76.—

Amount of Funeral :-If the injury of the employee result in his death, the employer shall, in addition to the compensation under sub section (1) of Section 76, deposit with the Competent authority a sum of not less than Rs. 15,000/- or such amount as may be notified by the State Government for payment of the same to the eldest surviving dependant of the employee towards the expenditure of the funeral of

such employee or where the employee did not have a dependant or was not living with his dependant at the time of his death, to the person who actually incurred such expenditure. If the Central Government enhances the amount specified in this sub-section, it shall be followed by the State Government.

15. Conditions when application for review is made with certificate of a medical practitioner under sub section (1) of Section 79.—

(1) **When application may be made without medical certificates.**—Application for review of a half-monthly payment under Section 79 of the Code may be made without an accompanying medical certificate :-

- (a) by the employer, on the ground that since the right to compensation was determined, the workmen's wages have increased;
- (b) by the workmen, on the ground that since the right to compensation was determined, his wages have diminished;
- (c) by the workmen, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen's condition such as to warrant such cessation;
- (d) either by the employer or by the workmen, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
- (e) either by the employer or by the workmen, on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

(2) **Procedure on application for review.**—If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Competent authority that there are reasonable grounds for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order after giving the employee likely to be affected thereby an opportunity of being heard for withholding the half monthly payments in whole or in part pending his decision on the application.

(3) **Procedure on application for commutation.—**

(1) Where application is made to the Competent authority under Section 80 for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Competent authority shall form an estimate of the probable duration of the disablement, and a sum equivalent to the total of half-monthly payments would be payable for the period during which he estimated the disablement will continue, less one-half per cent, of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which clause (1) applies, the Competent authority is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

16. Classes of employers and the form of notice book under sub-section (4) of Section 82.—The appropriate government may require that any class of employers as may be prescribed by that government shall maintain at their premises at which employees are employed, a notice book of accidents, in **Form-XX** prescribed by that government, which shall be readily accessible at all

reasonable time to any injured employee employed on the premises and to any person acting bonafide on his behalf.

17. The frequent interval for medical examination under the proviso to sub-section (1) of Section 84.—

- (1) **Workman not to be required to submit to medical examination, save in accordance with relevant Rules.**—A workman who is required by sub-section (1) of Section 84 to submit himself for medical examination shall be bound to do so in accordance with the Rules contained in this part and not otherwise.
- (2) **Examination when workman and medical practitioner both are available at premises.**—When each workman is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.
- (3) **Examination in other cases.**—In cases to which sub-rule (2) does not apply, the employer may :
 - (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination of being requested to do so by the medical practitioner; or
 - (b) send to the workman any offer in writing to him to be examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

Provided that :-

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m.; and
 - (ii) in case where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.
 - (4) **Restriction on number of examination.**—A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.
 - (5) **Examination after suspension of right to compensation.**—If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of Section 84 of the Code subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman more than 72 hours after the workman has so offered himself.
 - (6) **Examination of women.**—
 - (i) No woman shall without her consent be medically examined by a male practitioner save in the presence of another woman.
 - (ii) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.
- 18. The statement to be submitted by the employer in the prescribed form under sub-section (1) of Section 88.—**

- (i) The notice to be sent by a Competent authority under sub-section (1) of Section 88 of the Code shall be in **Form XXI** and shall be accompanied by a blank copy of **Form XXII**.
- (ii) The statement to be submitted by an employer under Section 88 shall be in **Form XXII**
- (iii) The report in respect of an accident under sub-section (1) of Section 88 may be sent to the authority to whom the notice of such accident is required to be given.

19. The manner of recording the memorandum in a register by the Competent authority under sub-section (1) of Section 89.—

- (1) **Form of memorandum.**—Memorandum of agreement sent to the Competent authority under sub-section (1) of Section 89 shall, unless the Competent authority otherwise directs be in duplicate and shall be in as close conformity as the circumstances of the case admitted with **Form XXIII** or **Form XXIV** or **Form XXV**, as the case may be.

(2) Procedure where Competent authority does not consider that he should refuse to record memorandum.—

- (i) On receiving a Memorandum of agreement, the Competent authority shall, unless he considers that there are grounds for refusing to record the Memorandum, fix a date for recording the same, and shall issue a notice in writing in **Form XXVI** to the parties concerned that in default of objections he proposes to record the Memorandum on the date so fixed:

Provided that the notice may be communicated to any parties who are present at the time when notice in writing would otherwise be issued.

- (ii) On the date so fixed, the Competent authority shall record the Memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Competent authority from refusing to record the Memorandum on the date so fixed even if no objection be made by any party concerned.

- (iii) If on such date, the Competent authority decides that the Memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof, and if any party desiring the Memorandum to be recorded is not present, he shall send information to that party in **Form XXVII**.

(3) Procedure where Competent authority considers he should refuse to record Memorandum.—

- (i) If on receiving a Memorandum of agreement, the Competent authority considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the Memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the Memorandum should not be recorded.

- (ii) If the parties to be informed are not present, a written notice shall be sent to them in **Form XXVIII** or **Form XXIX**, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of issue of the same.

- (iii) If, on the date fixed under clause (i) of sub-rule (3), the party or parties desiring the Memorandum to be recorded show adequate cause for proceeding to the record of the same, the Competent authority may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with sub-rule (2) of Rule 19.

- (iv) If, on the date so fixed, the Competent authority refuses to record the Memorandum, he shall send notice in **Form XXVII** to any party who did not receive information under clause (i).

(4) **Procedure on refusal to record Memorandum.—**

- (i) If in any case, the Competent authority refuses to record a Memorandum of agreement, he shall briefly record his reasons for such refusal.
- (ii) If the Competent authority refuses to record a Memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid.
- (iii) Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Competent authority considers that the Memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

(5) **Registration of Memorandum accepted for record.—**In recording a Memorandum of agreement, the Competent authority shall cause the same to be entered in a register in **Form XXX** and shall cause an endorsement to be entered under his signature on a copy of the Memorandum to be retained by him in the following terms, namely :-

"This Memorandum of agreement bearing serial No. of 20 in the register has been recorded this day 20

Signature of the Competent authority"

20. Experience and qualification for appointment as a Competent authority under sub-section (1) of Section 91.—

Eligibility of the Competent authority-

- (i) Member of State Judicial service who is serving for a period of not less than five years; or
- (ii) Advocate with at least five years of practice; or
- (iii) Gazetted officer with service not less than five years having educational qualifications and experience in personnel management, human resource development, Industrial relations and legal affairs; or
- (iv) Officer of Labour Department not below the rank of Joint Labour Commissioner / Deputy Director, Industrial Health and Safety.

21. The manner of the notice under sub-section (1) and the manner of transmitting money under Section 92.—(1) **Transfer for report.-**

- (i) A Competent authority transferring any matter to another Competent authority for report in accordance with sub-section (2) of Section 92 shall, along with the documents referred to in that sub-section, transmit to such other Competent authority a concise statement, in the form of questions for answer, of the matter on which report is required.
- (ii) A Competent authority to whom a case is so transferred for report shall not be required to report on any question of law.

(2) **Transmission of money.-**

Money transmitted by one Competent authority to another in accordance with sub-section (2) of Section 92 shall be transmitted either by remittance transfer receipt, or by

money order, or by means of electronic transfer, as the Competent authority transmitting the money may direct.

22. The form, manner and fee for application for claim or settlement under sub-section (3) and Time limit for disposal of application and cost incidental to the proceedings under sub-section (4) of Section 93.—

- (1) The Competent authority shall dispose off the matter relating to compensation under this Code within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee. The authority may extend the time-limit to another three months if it so required.

Incidental Costs:-

- (i) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get decision, decree, or other document on payment of cost at the following rate:-
- (a) The cost for the copies of any document of record or statement or order or decree may be notified by the Government from time to time.
 - (b) The cost of service or summons or notices or expenses of witness or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this Rule shall be paid in such manner and within such time as may be notified by Government.
 - (c) The Court may, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost it may exempt the applicant from the payment of cost.
- (ii) Any person who is not a party to the dispute, may get the certified copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.

However the Competent authority may extend the time period on appeal as per Section 5 of the Limitations Act, 1963 but not more than another three months.

- (2) **Applications.**—Any application of the nature referred to in Section 93 may be sent to the Competent authority by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Competent authority otherwise directs, be made in duplicate in the appropriate form, either in **Form XXXI, Form XXXII or Form XXXIII**, and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (V of 1908).

(3) **Production of documents.—**

- (i) When the application for relief is based upon a document, the document shall be appended to the application
- (ii) Any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing.
- (iii) Any document which is not produced at or within the time specified in clause (i) or (ii) as the case may be, shall not, without the sanction of the Competent authority be received in evidence on behalf of the applicant.
- (iv) Nothing in this Rule applies to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

(4) **Application presented to wrong Competent authority.—**

- (i) If it appears to the Competent authority on receiving the application that it should be presented to another Competent authority, he shall return it to the applicant after

endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Competent authority to whom it should be presented.

- (ii) If it appears to the Competent authority at any subsequent stage that an application should have been presented to another Competent authority, he shall send the application to the Competent authority empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application, accordingly.
- (iii) The Competent authority to whom an application is transferred under clause (ii) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

(5) Examination of applicant.—

- (i) On receiving the application of the nature referred to in Section 93, the Competent authority may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent authority.
- (ii) The substance of any examination made under clause (i) shall be recorded in the manner provided for the recording of evidence in Section 97.

(6) Summary dismissal of application.—

- (i) The Competent authority may, after considering application and the result of any examination of the applicant under sub-rule (5) summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.
- (ii) The dismissal of the application under clause (i) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(7) Preliminary inquiry into application.—

If the application is not dismissed under sub-rule (6), the Competent authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for doing so.

(8) Notice to opposite party.—

If the Competent authority does not dismiss the application under sub-rule (6) or sub-rule (7), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to tender.

(9) Appearance and examination of opposite party.—

- (i) The opposite party may, and if so required by the Competent authority, shall, at or before the first hearing or within such time as the Competent authority may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.
- (ii) If the opposite party contests the claim, the Competent authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

(10) **Framing of issues.—**

- (i) After considering the written statement and the result of any examination of the parties, the Competent authority shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.
- (ii) In recording the issues, the Competent authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

(11) **Power to postpone trial of issue of fact where issue of law arises.—**

When issues both of law and of fact arise in the same case, and the Competent authority is of the opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

(12) **Diary.—**The Competent authority shall maintain under his hand a brief diary of the proceedings on an application.(13) **Judgement.—**

- (i) The Competent authority in passing orders, shall record concisely a judgement, and his finding on each of the issues framed and his reasons for such finding.
- (ii) The Competent authority, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(14) **Summoning of witness.—**If an application is presented by any party to the proceedings for the citation of witnesses, the Competent authority shall on payment of the prescribed expenses issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the decision of the case.(15) **Right of entry for local inspection.—**A Competent authority before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any person likely to be able to give information relevant to the proceedings:

Provided that the Competent authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

(16) **Procedure in connection with local inspection.—**

- (i) If the Competent authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection, unless in his opinion, the urgency of the case renders the giving of such notice impracticable.

- (ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 88, or to the representatives of any such person.
- (iii) Any party, or the representative of any party, may accompany the Competent authority at a local inspection.
- (iv) The Competent authority, after making local inspection, shall note briefly in a Memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fees, shall supply each party with a copy thereof.
- (v) The Memorandum shall form part of the record.

(17) Powers of summary examination.—

- (i) The Competent authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.
- (ii) No oath shall be administered to a person examined under clause (i).
- (iii) Statements made by persons examined under clause (i) if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Competent authority for the purpose of arriving at a decision in the case.
- (iv) If a witness who has been examined under clause (i) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.
- (v) Any statement or part of a statement with is furnished to the parties under clause (iv) shall be incorporated in the record.
- (vi) Where a case is settled by agreement between the parties, the Competent authority may incorporate in the record any statement made under clause (i), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

(18) Agreement to abide by Competent authority's decision.—

- (i) If a party states in writing his willingness to abide by the decision of the Competent authority, the Competent authority shall inquire whether the other party is willing to abide by his decision.
- (ii) If the other party agrees to abide by the Competent authority's decision, the fact of his agreement shall be recorded in writing and signed by him.
- (iii) If the other party does not agree to abide by the Competent authority's decision, the first party shall not remain under an obligation so to abide.

(19) Procedure where indemnity claimed under Section 85 (2).—

- (i) Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of Section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Competent authority accompanied by the prescribed fee, and the Competent authority shall thereupon issue notice to such a person in **Form XXXIV**.
- (ii) If any person served with a notice under clause (i) desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he shall appear before the Competent authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings; and in default if so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability to indemnify the opposite party for any compensation recovered from him :
- Provided that, if any person so served appears subsequently and satisfies the Competent authority that he was prevented by any sufficient cause from appearing, the Competent authority shall, after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under this Rule upon such terms as may be just.
- (iii) If any person served with a notice under clause (i), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall, on or before the date fixed in the notice under clause (i) present a notice of such claim to the Competent authority accompanied by the prescribed fee and the Competent authority shall thereupon issue notice to such person in **Form XXXV**.
- (iv) If any person served with a notice under clause (iii) desires to contest the applicant's claim for compensation, or the claim under clause (iii) to be indemnified he shall appear before the Competent authority on the date fixed in the notice in **Form XXXV** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under clause (iii) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:
- Provided that, if any person, so served appears subsequently and satisfies the Competent authority that he was prevented by any sufficient cause from appearing, the Competent authority shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this Rule upon such terms as may be just.
- (v) In any proceeding in which a notice has been served on any person under clause (i) or clause (iii), the Competent authority shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

(20) **Procedure in connected cases.—**

- (i) Where two or more cases pending before a Competent authority arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

- (ii) Where action is taken under clause (i), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent authority shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applied to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.
- (21) **Certain provisions of Code of Civil Procedure, 1908 to apply.**—Save as otherwise expressly provided in the Act or these Rules, the Code of Civil Procedures, 1908 shall apply to proceedings before Competent Authorities, in so far as they may be applicable thereto:
- Provided that :-
- (a) For the purpose of facilitating the application of the said provisions, the Competent authority may construct them with such alterations not affecting the substantive as may be necessary or proper to adapt them to the matter before him;
- (b) The Competent authority may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.
- (22) **Provisions regarding signature of forms.**—Any form, other than a receipt for compensation, which is by these Rules required to be signed by a Competent authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.
- (23) **Apportionment of compensation among dependants.**—The relevant provisions of this part shall as far as may be possible, apply in case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.
- (24) **Reasons for postponement to be recorded.**—If the Competent authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.
- (25) **Exemption from payment of costs.**—If the Competent authority is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, they had not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Competent authority in his order regarding costs may direct.

23. The manner of authentication of Memorandum under Section 97.—

Examination of applicant.-

- (1) On receiving the application of the nature referred to in Section 93, the Competent authority may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent authority.
- (2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in Section 97.

CHAPTER VII
SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND
OTHER CONSTRUCTION WORKERS

- 24. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under Section 101 of the Code.**—The cess levied under sub-section (1) of section 100 shall be paid by an employer within thirty days from the date of issue of the assessment order, or within 30 (thirty) days of the completion of the construction project, whichever is earlier and such employer shall be liable to pay interest on the amount of cess, to be paid, at the rate of one per cent, for every month from the date on which such payment fall due till such amount is actually paid.
- 25. Fees for appeal under sub-section (2) of Section 105.**—Such appeal, inter-alia, shall be accompanied with a non-refundable fee equivalent to half percent, but not exceeding Rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal; which shall be deposited in Labour Department-Head of Account-0230 in Treasury of the Meghalaya State Government.

CHAPTER VIII
FINANCE AND ACCOUNTS

- 26. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2), terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of Section 120.—**
 - (1) The Board may, as soon as may be after the coming into force of these Rules constitute a fund to be called **the Meghalaya Social Security Fund** in accordance with the provision of the Code and these rules. The fund shall be vested in and be administered by the Board.
 - (2) All moneys belonging to the fund may be invested in nationalised bank or in securities referred to in clause (a) to (d) of Section 20 of the Indian Trust Act, 1882 (Act no. 2 of 1882).
 - (3) According to sub section (3) of Section 120, the Board may receive Loan/ fund in advance from the State Government and return according to terms and condition for the same.
 - (4) From time to time, each of the social security organizations with the prior approval of the State Government and on such terms as may be prescribed by the State Government, constituted for the benefit of its officers and staff or any class of them, such provident or other benefits fund as it may think fit.
- 27. Conditions and manner of writing off irrecoverable dues under Section 121.—**
 - (1) Where the State Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to the State Social Security Board has become irrecoverable, the State Social Security Board or any other officer authorised by it on this behalf with prior approval of Government may sanction the writing off of the said amount, subject to the following conditions, namely:—
 - (i) the establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
 - (ii) the decree obtained by State Social Security Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
 - (iii) the claim for contribution is not fully met by —

- (a) the Official Liquidator in the event of factories/ establishments having gone into liquidation; or
- (b) the Competent authority of payments in the event of unit being nationalised or taken over by the Government.

CHAPTER IX

Authorities for Assessment, Compliance & Recovery

- 28. Other powers of Inspector cum facilitator under clause (e) of sub section (6) of Section 122.—** In addition to the powers exercised by the Inspector cum Facilitator under sub-section (6) of Section 122, he shall exercise such other powers as may be notified by the Government of Meghalaya as and when required.
- 29. Form and manner of maintenance of records and registers under clause (a) (b) and (d) of Section 123.—**
- (1) **Register of Women Employees.—**
 - (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XXXVI** electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.
Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.
 - (b) The employer may enter in the register of women employees' such other particulars as may be required for any other purpose of the Code.
 - (2) **Records.—**Records kept under the provisions of Chapter V of the Code and the Rules framed there under shall be preserved for a period of 5 (five) years from the date of their preparation.
 - (3) **Annual Returns.—**
 - (a) The employer to whom the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXXVII** online on the web portal of the Central Government in the Ministry of Labour and Employment, giving information as to the particulars specified, in respect of the preceding year: Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise. Explanation.- For the purposes of this sub-rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).
 - (b) If the employer to whom the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the Central Government in the Ministry of Labour and Employment, a further unified return in **Form XXXVII** referred to in clause (a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.
 - (4) **Display of notice.-**The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English, Khasi, Garo or Hindi specifying the name of the officer with designation authorised by the employer to receive on his behalf, notice under the Code or the Rules made therein.

CHAPTER X

OFFENCES AND PENALTIES

- 30. Manner of compounding of offences by the authorised officer specified under sub-section (1) of Section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of Section 138.—**
- (1) The officer authorized by the State Government by notification for the purposes of compounding of offences under sub-section (1) of Section 138 shall issue electronically a compounding notice in **Form-XXXVIII** for the offences which are compoundable under Section 138.
 - (2) The person to whom a notice has been served may apply in Part III of the **Form-XXXVIII** to the officer electronically or otherwise and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
 - (3) The Compounding Officer shall issue a composition certificate in Part IV of **Form-XXXVIII** within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
 - (4) If a person to whom a notice has been served fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent Court or the offence in respect of which the compounding notice was issued, against such person.
 - (5) **Composition after institution of prosecution.—**
 - (a) For the compounding of an offence after the institution of prosecution in a competent court in respect therefore, the provisions of sub-section (6) of Section 138 of the Code shall apply.
 - (b) The relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall apply to such compositions.

CHAPTER XI

EMPLOYMENT INFORMATION AND MONITORING

- 31. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of Section 139.—**
- (1) **Reporting of Vacancies to Career Centre:-**
 - (a) The employer in every establishment in public sector in the area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre, as may be specified in the notification by the State Government.
 - (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre from such date as may be specified in the notification by the State Government.
 - (c) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

Explanation: (1) **Establishment in “public sector”** means an establishment owned, controlled or managed by –

- (i) the Government or a Department of the Government;
 - (ii) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013);
 - (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government.
- (2) **“Establishment in private sector”** means an establishment which is not an establishment in public sector and with ordinarily as such number of employees as may be notified by the State Government.
- (3) The State Government, having no career centre or digital portal of its own, may specify by notification reporting of vacancies by establishments in an area thereof to the digital portal or to the Career Centre of the Central Government.
- (2) **Type of vacancies and respective Career Centre for reporting of vacancies:**
- (a) The following vacancies, namely–
 - (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code; and
 - (ii) Vacancies which an employer may desire to be circulated to the Career Centres outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification.
 - (b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the Career Centre (Regional) concerned.
 - (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.
- (3) **Form and manner of reporting of vacancies:**
- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre as specified by the Government.
 - (b) The vacancies shall be reported in the format given at **Form-XXXIX**, furnishing as many details as practicable, separately in respect of each type of vacancy.
 - (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule (3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.
- (4) **Time limit in the reporting of vacancies:**
- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.
 - (b) Vacancies required to be reported to the Career Centre (Central) shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(5) **Maintenance of records:**

- (a) The employers in every establishment in the public sector shall maintain records manually or electronically or digitally about:-
- (i) total number of employees (regular, contractual or fixed term employment) on the 31st March of every year;
 - (ii) persons recruited during the year ending on the 31st March;
 - (iii) occupational details of its employees on the 31st March of every year;
 - (iv) vacancies for which suitable candidates were not available during the year ending on the 31st March; and
 - (v) approximate number of vacancies likely to occur during the next financial year.
- (b) The Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about:-
- (i) The total number of employees (regular, contractual or fixed term employment) on the 31st March of every year;
 - (ii) The persons recruited during the year ending on the 31st March;
 - (iii) The occupational details of its employees on the 31st March of every year;
 - (iv) The vacancies for which suitable candidates were not available during the year ending on the 31st March; and
 - (v) The approximate number of vacancies likely to occur during the next financial year.

(6) **Submission of returns:** An employer shall furnish to the concerned Career Centre (Regional) yearly returns in form EIR (Employment Information Return) as given at **Form-XXXX**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government in notification, within thirty days of the due date namely 31st March of the year.

(7) **Declaration of Executive Officer:**

- (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State Government, will declare in writing an officer looking after the work of Career Centres (Regional) as "Executive Officer" for each District for the purpose of enforcement/ implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.
- (8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State shall be the Competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in Section 133.
- (9) **Issue of guidelines:** For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and Rules thereof, the Central Government may issue detailed guidelines which may be supplemented further by the respective State Government as per local needs.

CHAPTER XII

MISCELLANEOUS

- 32. Such other sources of funding and the manner of administering and expending of the Fund under sub-section (5) of Section 141.—**
- (1) There shall be established by the State Government a Social Security Fund for the welfare of the unorganized workers in which there shall be credited the amount received from :-
- (i) wholly funded by the Central Government; or
 - (ii) partly funded by the Central Government and partly funded by State Government;
 - (iii) partly funded through contributions collected from the beneficiaries of the schemes or the employers as may be specified in the schemes by the Central Government;
 - (iv) funded from any source including corporate social responsibility fund within the meaning of the Companies Act, 2013 (18 of 2013) or any other sources as may be specify in the scheme;
 - (v) any grant or loan received from the Central Government;
 - (vi) funded from State Government by Budget;
 - (vii) other sources notified by the State Government.
- The State Government may seek financial assistance from the Central Government for the schemes framed by it.
- (2) The schemes will be prepared for the unorganised worker registered as a beneficiary and its family by the Unorganized Workers Social Security Board with the prior approval of the State Government and the funds will be utilised under the notified schemes.
- 33. Time within which the State Board, shall forward its view to the appropriate Government under sub-section (1) Section 143.—**The State Board, shall forward its views on the application seeking exemption under Section 143 of the Code to the appropriate government within six months of receipt of proposal for exemption. If the State Board is unable to provide its views within the said period, the appropriate Government may extend the time limit or take action on the application of exemption, as it may deem fit.
- 34. Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) of Section 143.—**
- (1) The establishment to which exemption has been granted from the provision of Chapter IV of the Code:
- (a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified by the Central Government in the Regulations; and
 - (b) in case of change of legal status of an establishment which has been granted exemption under Section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government.
- 35. Terms and conditions for management.**-(1) A Board of Trustees shall be established for the management of the provident fund or the pension fund according to such directions as may be given by the State Government or the Regional Provident Fund Commissioner, as the case may be, from time to time.

(2) The Board of Trustees shall consist of such equal number of representatives of the employers and employees, as may be specified in the provident fund scheme or the pension scheme, as the case may be.

(3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees and the Chairperson may exercise a casting vote or in an event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.

(4) The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the State Government or the Regional Provident Fund Commissioner or any Officer authorized by him.

(5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and the employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of Trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(6) In case of any dispute or doubt on-

- (a) The interpretation of any provision of this Rule, such matter shall be referred to the State Government; and
- (b) Any clarifications on the grant of such exemption which does not relate to this Rule, shall be referred to the Regional Provident Fund Commissioner or any other officer of the Employees' Provident Fund Organization authorized by him;

And the interpretation of the State Government or the clarification of the Regional Provident Fund Commissioner or such officers, as the case may be, on such dispute or doubt shall be binding for the disposal of such matter so referred.

36. Supersession.—In exercise of the powers conferred by sub-section (1) of Section 154 read with sub-section (2) thereof, and sub-section (1) of Section 155 read with sub-section (2) thereof, of the Code on Social Security, 2020, the **Code on Social Security Meghalaya Rules, 2024** are in supersession of :-

- (i) The Assam Maternity Benefit Rules, 1965 as (Adapted from Assam) vide the Meghalaya Adaptation of Law and Order (No.1) 1974,
- (ii) The Payment of Gratuity (Meghalaya) Rules, 1977 and
- (iii) The Building and Other Construction Workers (Regulation of employment and conditions of Service) Rules, 2008 :

Provided that the said supersession shall not affect.-

- (a) the previous operation of the said Rules or anything duly done or suffered thereunder, or
- (b) affect any right, liability or obligation acquired, accrued or incurred under the said Rules.

FORM – I
(See Sub rule (10) of Rule 7)

In the Employers Insurance Court Act
 A B (add description and residence) Applicant

Against

C D (add description and residence) Opposite party.
 Other particulars of the application specified in rule 13

Date

.....
 Signature of the applicant

(Verification by the Applicant)

The statement of facts contained in this application is, to the best of my knowledge and belief, true and correct.

Date

.....
 Signature of the applicant

FORM – II
(See Sub rule (11) of Rule 7)

List of documents produced by applicant/ Opposite party (Title), eg. Description, Subject, Name of the court, no. etc.

| No. | Description of document | The date which the document bears | Signature of the party or pleader or any authorized representative. |
|-----|-------------------------|-----------------------------------|---|
| (1) | (2) | (3) | (4) |
| | | | |
| | | | |

FORM – III**(See Sub rule (12) of Rule 7)****Register of Proceedings**

Employees' Insurance Court at Register of Proceedings in the
year 20

| Date of presentation of application | No. of Proceedings | Name | Application description | Place of residence |
|-------------------------------------|--------------------|------|-------------------------|--------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

| Name | Opposite party Description | Place of residence | Particulars | Claim Amount of Value, if any | When the cause of action arise |
|------|----------------------------|--------------------|-------------|-------------------------------|--------------------------------|
| 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | |

| Day for the parties to appear | Appearance applicant | Opposite party | Date | Final Order For whom | For what of amount |
|-------------------------------|----------------------|----------------|------|----------------------|--------------------|
| 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | | |

| Appeal | | | | Execution | | | Other |
|---------------------------------------|---------------------|---------------------|--------------|----------------------------|----------------|--|---------------|
| Date of description of appeal, if any | Judgement of appeal | Date of application | Against whom | For what & amount of money | Amount of cost | Date of order transferring to another Civil Court ofat | Remark if any |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | | | | | | | |

FORM – IV**(See Sub rule (15) of Rule 7)****Summons for disposal of proceedings (Title)**

To,

.....
(Name, description and place of residence).

Whereas Has instituted proceeding against you for You are hereby summoned to appear in this Court in person or by authorized agent duly instructed and able to answer all material questions relating to the case or who shall be accompanied by some person able to answer all such questions at O' clock in the Noon on the Day of 20, to answer the claim, and the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses, upon whose evidence and all the documents, upon which you intend to rely in support of your defence.

Taken notice, that, in default of your appearance on the above mentioned, the case will be heard and decided in your absence.

Given under my hand and the seal of the Court, on this Day of 20.

Notice 1. – If you apprehend that your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the cost of the proceedings, to avoid execution of the decree which may be passed against you in person or property or both.

FORM – V**(See Sub rule (15) of Rule 7)****Summons for Settlement of issues**

To,

.....

(Name, description and place of residence).

Whereas has instituted proceeding against you for You are hereby summoned to appear in this Court in person or by authorized agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such questions at O' clock in the noon on the day of 20, to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the above mentioned, the case will be heard and decided in your absence.

Given under my hand and the seal of the Court on this day of 20.

Court

Notice 1. – If you apprehend that your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into the Court together with the cost of the suit, to avoid execution of the decree, which may be passed against you in person or property or both.

FORM – VI**(See Sub rule (23) of Rule 7)****Subject-Application for setting aside the Ex-parte order**

The above named states as follow :-

(Ground of Application should be stated)

Date

.....

Signature of the applicant

(Verification by the Applicant)

The statement of facts contained in the application is, to the best of my knowledge and belief, true and correct.

Date

Place

.....

Signature

FORM – VII**(See Sub rule (23) of Rule 7)****Central Form****(Title)**

To,

Whereas the above named has made application to this You are hereby ordered to appear in the Court in person or by a pleader duly instructed at O'clock in the Noon, on the Day of 20, to show cause against the application, failing wherein, the said application will be heard and determined ex-parte.

Given under my hand and the seal of the Court on this day of 20.

COURT

FORM – VIII**(See Sub rule (24) of Rule 7)****Summons to witness****(Title)**

Whereas, your attendance is required to on behalf of the in the above proceedings, you are hereby required (personally) to appear before this Court on the Day of 20 at O'clock in the Noon and to bring with you (or to send to this Court)

A sum of Rs.as your travelling and the other expenses and subsistence allowance for one day is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the Court, on this day of 20.....

COURT

Notice 1. – If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

2. If you are detained beyond the day aforesaid, a sum of Rs will be tendered to you for each day's attendance beyond the day specified.

FORM – IX**(See Sub rule (37) of Rule 7)****Decree in case**

Claim for relief

This case coming on this day of final disposal before in the presence of for the applicant and of for the opposite party, it is ordered and decreed the and that the sum of Rs. be paid by the to the On account of the costs of this suit with interest thereon at the rate of Percent per annum from this date to the date of realization.

Given under my hand and the deal of the Court, on this day of 20.

Costs of Suits

| Rs. Paise | Rs. Paise |
|--------------------------------|--------------------------------|
| Stamp for application | Stamp for power |
| Stamp for power | Stamp for written statement |
| Stamp for exhibits | Pleader's fee |
| Pleader's fee | Subsistence for witness |
| Subsistence for witness | Service of summons and Notices |
| Competent authority's fee | Competent authority's fee |
| Service of summons and Notices | |
| Total | Total |

FORM – X**(See Sub rule (39) of Rule 7)****Application for the Execution of Decree**

In the Court of Decree Holder, hereby apply for execution of the decree herein below set forth.

| Number of Proceedings | Name/s of Party/ Parties | Date of decree | Whether any appeal preferred from decree | Payment of adjustment made, if any |
|------------------------------|---------------------------------|-----------------------|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | A.B. Opposite party | | | |

| Previous application, if any with date and result | Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree | Amount of costs if any awarded | Against whom to be executed |
|--|---|--|------------------------------------|
| 6 | 7 | 8 | 9 |
| | | As awarded RS P Decree Subsequently incurred ... Total | Against the opposite party C.D. |

| | |
|--|--|
| Mode in which the assistance of the Court is required | I pray that the total amount of Rs. (together with interest on the principal sum unto date of payment) and the cost of taking out this execution be realized by attachment and sale of the opposite party's movable property as per annexed list and paid to me. |
| 9 | 10 |
| | (When attachment and sale of immovable property sought) I pray that the total amount of Rs. (together with the interest on principal sum up to date of payment) and the cost of taking out this execution be realised by attachment and sale of the opposite party's movable property specified at the foot of this application and paid to me |

I, Declare that, what is stated herein, is true to the best of my knowledge and belief.

Date the Day of 20.

Signature.....

Decree holder

FORM-XI

[See sub rule (1), (2), (3) and (4) of Rule 10]

Nomination/ Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To

.....

(Give here name or description of the establishment with full address)

I, Shri/ Shrimati/ Kumari (Full Name) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of Section 2 of the Code on Social Security, 2020 with effect from the (date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

I, Shri/ Shrimati/ Kumari (Full Name) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date and recorded under your reference no dated shall stand modified in the following manner-

**Strike out unnecessary portion.*

2. I, hereby, certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.

3. I, hereby, declare that I have no family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.

4 (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

5. I have excluded my husband from my family by a notice dated the to the Competent authority in terms of clause (33) of section 2 of the Code on Social Security, 2020.

6. Nomination made herein invalidates my previous nomination.

Nominee (s)

| S. No. | Full Name with full address of nominee(s) | Relationship with the employee | Age of nominee | Proportion by which the gratuity will be shared |
|--------|---|--------------------------------|----------------|---|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| So on | | | | |

Manner of acquiring a "Family"

(Here give details as to how a family was acquired, i.e., whether by marriage or parents being rendered dependent or through other process like adoption)

Statement

1. Name of employee in full:
2. Sex:
3. Religion:
4. Whether unmarried.married/widow/widower:
5. Department/Branch/Section, where employed:
6. Post held with Ticket no. or Serial no., if any:
7. Date of appointment:
8. Permanent address:

Village Thana Sub-
division Post-Office

Pin-Code District State

E-mail ID Mobile Number

Place:

Date:

Signature/Thumb-impression of the Employee

Certificate by the Employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference no., if any

Signature of the employer/Officer authorised
Designation

Date: Name and address of the establishment or rubber stamp thereof.

Acknowledgement by the Employee

Received the duplicate copy of nomination in Form-XI filed by me and duly certified by the employer.

Date:

Signature of the Employee

FORM-XII

[See sub rule(1) of Rule 11]

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To,

(Give the name or description of the establishment with full address)

Sir/ Madam,

I,(name of employee/nominee/legal heir)/nominee of late (Name of the employee)/ as a legal heir of late (Name of the employee), beg to apply for payment of gratuity to which I am entitled under sub-section (1) of Section 53 of the Code on Social Security, 2020 on account of-

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/on termination of contract period under fixed term employment with effect from theor

- (b) death of the aforesaid employee while in service/ superannuation onafter completion of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from theor;
- (c) death of aforesaid employee of your establishment while in service/ superannuation on (date) without making any nomination after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from

Necessary particulars relating to my appointment are given in the statement below.

1. Name of employee, in full, (if, the gratuity is claimed by an employee)
 - a. Marital status of employee(unmarried/married/ widow/widower)
 - b. Full address of employee
or
2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)
 - a. Name of Employee
 - b. Marital status of nominee/ legal heir(unmarried/ married/ widow/widower)
 - c. Relationship of nominee/legal heir with the employee
 - d. Full address of nominee/legal heir
 - e. Date of death and proof of death of the employee
 - f. Reference No. of recorded nomination, if available
3. Department/Branch/Section where last employed
4. Post held by employee.
5. Date of appointment.
6. Date and cause of termination of service
7. Date of Death
8. Total period of service of the employee
9. Total wages last drawn by the employee.
10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
11. Payment may please be made by crossed bank cheque/credit in my bank account no

Yours faithfully,
Signature/Thumb-impression of the
applicant employee/nominee/legal heir.

Place:

Date:

FORM-XIII

[See sub rule (2) of Rule 11]

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,

(Name and address of the applicant employee/nominee legal heir)

You are hereby informed that,

(a) *as required under sub-clause (ii) of clause (a) of sub-rule (2) of Rule 11 of the Code on Social Security Meghalaya Rules, 2024, that your claim for payments of gratuity as indicated on your application in **Form-II** under the said rules is not admissible for the reasons stated below:

Reasons(Here specify the reasons); or

(b) *as required under sub-clause (i) of clause (a) of sub-rule (2) of Rule 11, the Code on Social Security Meghalaya Rules, 2024 that a sum of Rs.....(Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byOn.....andrecorded in thisas a legal heir ofan employee of this establishment.

2.*Please call atOn(Here specify place)
.....(date) at(time) for collecting your payment of gratuity crossed cheque.

3. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.

4. Brief statement of calculation

(a) Date of appointment.

(b) Date of termination/ superannuation/ resignation/disablement/ death.

(c) Total period of service of the employee concerned:.....years
.....months.

(d) Wages last drawn:

(e) Proportion of the admissible gratuity payable in terms of nomination/ as a legal heir:

(f) Amount payable:

**strike out para, if not applicable*

Place:

Date:

Signature of the
Employer/authorised officer.
Name or description of establishment or
rubber stamp thereof.

Copy to: The Competent authority in case of denial of gratuity.

FORM-XIV**[See sub-rule (4) of Rule 11]****Application for Direction before the Competent authority for
Gratuity under Chapter V of the Social Security Code, 2020**

Application No.

Date

BETWEEN

(Full name of the applicant with full address)
AND

(Full name of the employer concerned with full address)

The applicant is an employee of the above-mentioned employer/a nominee of latean employee of the abovementioned employer/a legal heir of lateand employee of the above-mentioned employer and is entitled to payment of gratuity under Section 53 of the Code on Social Security, 2020 on account of his own/ aforesaid employee's superannuation on(date)/his own retirement/ aforesaid employees' resignation on(date)completion of years of continuous service/his own/ aforesaid employees' total disablement with effect from.....(date) due to accident/disease death of aforesaid employee on

2. The applicant submitted an application under the Code on Social Security Meghalaya Rules, 2024 on the.....but the above mentioned employer refused to entertain it/issued a notice dated theunder clause.....of sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice datedthe under clauseof sub-ruleof rulerejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

1. Full Name of applicant with full address
 2. Basis of claim(Death/Superannuation/Retirement/Resignation/Disablement of Employee/Completion of contract period under Fixed Term Employment)
 3. Name and address in full of the employee
 4. Marital status of the employee(unmarried/married/widow/widower)
 5. Name and full address of the employer
 6. Department/Branch/Section where the employee was last employed (if known)
 7. Post held by the employee with Ticket or Sl. No., if any (if known)
 8. Date of appointment of the employee (if known)
 9. Date and cause of termination of service of the employee (Superannuation / retirement / resignation/disablement / death/ Completion of contract period under Fixed Term Employment)
 10. Total period of service by the employee
 11. Wages last drawn by the employee
 12. If the employee is dead, date and cause thereof
 13. Evidence/witness in support of death of the employee
 14. If a nominee, no. and date of recording of nomination with the employer
 15. Evidence/witness in support of being a legal heir if a legal heir
 16. Total gratuity payable to the employee (if known)
 17. Percentage of gratuity payable to the applicant as nominee/legal heir
 18. Amount of gratuity claimed by the applicant

Place:

Date: _____ Signature/Thumb-impression of the applicant

* * * * *

FORM- XV**[(See Sub rule (5) and (8) of Rule 11]****Notice for Appearance before the Competent Authority/Summon***(Strike out the words not applicable)*

To,

(Name and address of the employer/applicant)

Whereas, Shri..... an employee under you/anominee(s)/ legal heir(s)of Shri An employee under the above-mentioned employer, has/have filed an application under the Code on Social Security Meghalaya Rules, 2024 alleging that---

(A copy of the said application is enclosed, if summon is issued then copy of application is not required)

Now, therefore, you are hereby called -upon/summoned to appear before the Competent authority at (place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on theday of20....at'O' clock in the forenoon/afternoon in support of/to answer the allegation and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the date mentioned, the application will be dismissed/heard and determined in your absence.

Whereas, your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of in the case arising out of the claim for gratuity byFormand referred to this authority by an application under Section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this authority on theday of20At'O'clock in the forenoon/afternoon and to bring with you to send to this authority) the said documents.

List of documents-

- 1.
- 2.
3. so on

Given under my hand and seal, thisday of20...

Competent authority
under the Code, 2020

- Note: 1. Strike out the words and paragraphs if not applicable.
2. The portion not applicable to be deleted.
3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
4. In case the summon is issued only for producing a document and not given evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority on the day and hour fixed for the purpose.

FORM - XVI

[See sub rule (11) and (12) of Rule 11]

**Notice for Payment of Gratuity as Determined by
Competent/Appellate authority**

(*Strike out the words if not applicable*)

To,

(Name and address of employer)

1. Whereas, Shri/Smt./Kumari.....of an Employee.....
.....(address)under you/a nominee(s)/legal heir(s) of late
.....an employee under you, filed an application
under Section 56 of the Code on Social Security, 2020,before me; or

Whereas, a notice was given to you on requiring you to make
payment of Rsto Shri/ Smt./ Kumari.....as
gratuity under the Code on Social Security 2020.

2. And whereas, the application was heard in your presence onand after
the hearing have come to the finding that the said Shri/Smt./Kumari
.....is entitled to a payment of Rsas gratuity
under the Code on Social Security 2020; or

Whereas, you/the applicant went in appeal before the appellate authority who
has decided that an amount offis due to be paid to Shri/Smt./Kumari
.....as gratuity due under the Code on Social Security , 2020.

Now, therefore, I hereby, direct you to pay the said sum of Rs.....
..... To Shri/ Smt./Kumariwithin thirty days of the
receipt of this notice.

Given under my hand and seal, this day of
____ 20

Competent authority
Under the Code, 2020

Copy to:

1. The Applicant is advised to contact the employer for collecting payment.
2. The Appellate authority, if applicable.

Note.—(Strike out paragraphs if not applicable)

FORM - XVII

[See Sub rule (13) of Rule 11]

Application for Recovery of Gratuity before the Competent authority of Chapter V under the Social Security Code, 2020

Application No.

Date

BETWEEN

(Full Name of the applicant with full address)

AND

(Full Name of the employer/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late.....
an employee of the above mentioned employer/a legal heir of late.....
..... an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the.....under the Code on Social Security Meghalaya Rules, 2024 for payment of a sum of Rs as gratuity payable under the Code on Social Security , 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under Section 129 of the Code for recovery of the said sum of Rs.....
.....due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words if not applicable.

FORM - XVIII**[See clause (a) of sub rule (1) of Rule 13]****Complaint to the Inspector-cum-Facilitator**

To,

The Inspector-cum-Facilitator

(Under The Code on Social Security, 2020)

Sir,

I(Name of woman) employed in(name and full address of the establishment) or I,(name), a person nominated under section 72 by or a legal representative of.....(name of woman)employed in(name and full address of the establishment)having fulfilled the conditions laid down in the Code on Social Security, 2020and the Rules thereunder, am entitled to Rs being maternity benefit and/ or Rs.....being the medical bonus and/ or Rs.....being wage's for leave due under Section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of Chapter VI of the Code on Social Security, 2020.

You are therefore requested, to direct the employer to pay the amount to me/ to set aside the discharge or dismissal done by the employer.

Signature or thumb impression of the Woman/
nominee/ legal representative

Date.....

Signature of an Attester in case the woman/
nominee/ legal representative is
unable to sign and affixes thumb impression.

Full address of the women/nominee/legal representative.

FORM-XIX**Appeal****[See Clause (b) of sub rule (2) of Rule 13]**

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

.....(Address)

Sir,

Ithe undersigned, woman employee of (name and full address of the establishment)

*Feel aggrieved by the order of Inspector-cum-Facilitator under sub section (2) of Section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of Section 68 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of Inspector-cum-Facilitator cum Facilitator in this behalf is enclosed; or

*Shri/Smti.....,Inspector-cum-Facilitator, having directed under sub-section(2) of Section72 to pay the maternity benefit or other amount being(nature of amount) to which(name of woman) is said to be entitled/to set aside my discharger dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Code on Social Security, 2020 (Strike out unnecessary portion).

I prefer this appeal under sub-section (3) of Section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

*Strike out unnecessary portion.

Signature or thumb impression of the Women/ Aggrieved person

Date

.....
|
Signature of an Attester in case the woman is
Not able to sign and affixes thumb impression.

Full address of the nominee/ legal representative

Form XX
[See Rule 16]
Notice Book of Accidents

Name of the Establishment

Nature of Business

Date of opening

Registration no (if any)

Name of the employer/ occupier

(a) Date of accidents:

(b) Short details of Accident:

(c) Name of the injured person.:

(d) Whether the accident resulted in death:

(e) Whether the accident resulted in total disablement:

(f) Whether the accident resulted in partial disablement

(g) Whether the accident resulted in temporary disablement:

(h) Amount of compensation paid to employee or his dependant:

(i) Amount of compensation deposited to Competent authority:

(j) Date of payment or deposit of Compensation:

Form XXI

[See Sub rule (1) of Rule 18]

Statement of Fatal Accidents

To,

Competent authority,

.....

Sir,

1. I have the honor to submit the following statement of an accident which occurred in (date), at (Here enter details of premises) and which resulted in the death of the employee/ employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/ employees were as under:-
 - (a) Time of Accident
 - (b) Brief History of Accident
 - (c) Place where the accident occurred.
 - (d) Manner in which deceased was / were employed at the time.
 - (e) Cause of the accident.
 - (f) Accident reported at the local police station (Copy of FIR if any) (Y/N)
 - (g) Any Other Relevant Information.
3. I am responsible for payment of compensation.
4. Details of employee
 - (a) Name of the employee
 - (b) Age of the employee
 - (c) Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below
.....

(Signature and designation of person making the statement)

Name:

Mobile No:

Address:

Form XXII

[See Sub rule (2) of Rule 18]

1. In reply to your notice, dated 20.... which was received by me on the 20, it is submitted that (1) residing at/ workmen over/ under 15 years of age and whom I employed in (2) met with an accident on the 20 as a result of which he died on the 20 The monthly wages of the deceased amounted to Rs
2. The circumstances in which the deceased met his death were as follows :-
.....
.....

3. I admit liability to pay as compensation on account of the deceased's death the amount of Rs which was/ will be deposited with you on or before the 20
4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :-
(1) Insert name of workman
(2) Insert name of establishment

.....
Employer

Form XXIII

[See sub rule (1) of Rule 19]

Memorandum of Agreement

It is hereby submitted that on the day of 20 personal injury was caused to residing at by accident arising out of and in the course old employment in The said injury has resulted in temporary disablement to the workman whereby it is estimated that he will be prevented for earning more than of his previous wages for a period of month. The said workman has been in receipt of half- monthly payment which have continued from the day of 20 Until of 20 amounting to Rs in all.

The said workmen's monthly wages are estimated at Rs The workman is over the age of 15 years/ will reach the age of 15 years on It is further submitted that the employer of the said workman has agreed to pay and the said workman has agreed to accept the sum of Rs.

..... in full settlement of all and every claim under the Social Security Code 2020, in respect of all disablement of a temporary nature arising out the said accident, whether not or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.

Date 20.....

Signature of employer

Witness

Signature of Workman

Witness

Note – An application to register an agreement can be presented under signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible (Receipt to be filled in when the money has actually been paid). In accordance with the above agreement, I have this day received the sum of Rs

Date20

Workman

The money has been paid and this receipt is signed in my presence.

Witness.....

Form XXIV

[See sub rule (1) of Rule 19]

Memorandum of Agreement

It is hereby submitted that on theday of20personal injury was caused toresiding atby accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said workman of the following nature, namely, the said workman's monthly wages are estimated at Rs

The workman is over the age of 15 years/ will reach the age of 15 years onRs..... onRs on

It is further submitted thatthe employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum or Rs in full settlement of all and every claim under the Social Security Code 2020, in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20....

Signature of the employer

Witness

Signature of Workman

Witness

Note – An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt

[To be filled in when the money has actually been paid]

In accordance with the above agreement, I have this day received the sum of Rs..... on

Date20

.....
Workman

The money has been paid and this receipt is signed in my presence.

.....
Witness

Form XXV

[See sub rule (1) of Rule 19]

Memorandum of Agreement

It is hereby submitted that on the day of 20 ... personal injury was caused to residing at by accident arising out of and in the course of employment in

The said injury has resulted in temporary disablement to the said workman who is at present in receipt of wages amounting to Rs per month no wages. The said workman's monthly wages prior to the accident are estimated at Rs

The workman is subject to a legal disability by reason of

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Code on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of communication under sub section (3) of Section 93 of theCode on Social Security, 2020 are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

Date 20

Signature of employer

Witness

Signature of Workman

Witness

Note – An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms, but both signatures should be appended whenever possible.

Receipt

[To be filled in when the money has actually been paid]

In accordance with the above agreement, I have received the sum of Rs on

Date 20

.....
Workman

The money has been paid and this receipt is signed in my presence.

.....
Witness

Form XXVI

[See clause (i) of sub rule (2) of Rule 19]

Whereas, an agreement to pay compensation is said to have been reached between and whereas has/ have applied for registration of the agreement under Section 89(1) of the Code on Social Security, 2020, notice is hereby given that the said agreement will be taken into consideration on 20 and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

.....
Competent authority.

Form XXVII

[See clause (iii) of sub rule (2) of Rule 19]

Take notice that registration of the agreement to pay compensation said to have been reached between you and on the 20 has been refused for the following reasons :-

.....
.....
.....
.....
Date 20

.....
Competent authority.

Form XXVIII

[See clause (ii) of sub rule (3) of Rule 19]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under Section 89(1) of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

.....
.....

An opportunity will be afforded to you of showing cause on why the said agreement should be registered. If no adequate cause is shown on that date the registration of the agreement will be refused.

Date 20 ...

.....
.....
Competent authority.

Form XXIX**

[See clause (ii) of sub rule (3) of Rule 19]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has / have applied for registration of the agreement under Section 89(1) of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not be registered for the following reasons, namely :-

.....
.....

An opportunity will be afforded to the said for showing cause on 20 why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date 20

.....
.....
Competent authority.

Form XXX

[See sub rule (5) of Rule 19]

Register of Agreements for the Years, 20

| Serial No. | Date of agreement | Date of registration |
|------------|-------------------|----------------------|
| | | |

| Employer | Workman | Initials of Competent authority | Reference to orders rectifying the register |
|----------|---------|---------------------------------|---|
| | | | |

Form XXXI

[See sub rule (2) of Rule 22]

Application for Compensation by Workmen

To,

The Competent authority for Workmen's Compensation

.....

.....

.....Residing at..... Applicant

Versus

.....Residing at..... Opposite party.

It is hereby submitted that :-

(1) The applicant, a workman employed by (a contractor with) the opposite party on the day of 20 received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary languages the cause of the injury)

(2) The applicant sustained the following injuries, namely :-

(3) The monthly wages of the applicant amount to Rs the applicant is over/ under the age of 15 years.

*(4) (a) Notice of the accident was served on the day of

(b)Notice was served as soon as practicable

(c) Notice of the accident was not served (on due time) by reason of

(5) The applicant is accordingly entitled to receive-

(a) Half-monthly payments of Rs from the Day of 20 to

(b) A lump-sum payment of Rs

(6) The applicant has taken the following steps to secure a settlement by agreement, namely
but it has proved impossible to settle the question in dispute because

*You are therefore, requested to determine the following questions in dispute, namely:-

- (a) Whether the applicant is a workman within the meaning of the Code
- (b) Whether the accident arose out of or in the course of the applicant's employment
- (c) Whether the amount of compensation claimed is due, or any part of that amount
- (d) Whether the opposite party is liable to pay such compensation as is due
- (e) etc., (as required)

Date 20

.....
Applicant.

**Strike out of the clauses which are not applicable.*

Form XXXII

[See sub rule (2) of Rule 22]

Application for order to Deposit Compensation

To,

The Competent authority for Workmen's Compensation

.....
.....

.....Residing at.....
.....
.....

Applicant

versus

.....Residing at.....
.....
.....

Opposite party.

It is hereby submitted that :-

(1) a workman employed by (a contractor with) the opposite party on the day
of 20 received personal injury by accident arising out of and in the course of the
employment resulting in his death on the day of 20 The cause of the injury
was (here insert briefly in ordinary language the cause of the injury)

(2) The applicant(s) is/ are dependent(s) of the deceased workman being his

(3) The majority wages of the deceased amount to Rs

The deceased was under/ over the age of 15 years at the time of his death.

(4) (a) Notice of the accident was served on the day of

 (b) Notice was served as soon as practicable.

 (c) Notice of the accident was not served (in due time) by reason of

(5) The deceased before his death received as compensation the total sum of Rs

.....

(6) The applicant(s) is/ are accordingly entitled to receive a lump-sum payment of Rs

.....

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Date..... 20

.....
Applicant.

**Strike out of the clauses which are not applicable.*

Form XXXIII

[See sub rule (2) of Rule 22]

Application for Communication

To,

The Competent authority for Workmen's Compensation

.....

.....

.....Residing at..... Applicant

versus

.....Residing at..... Opposite party.

It is hereby submitted that :-

(1) The applicant/ opposite party has been in receipt of half-monthly payments from to In respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders :-

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date 20

.....
Applicant.

Form XXXIV

[See clause (i) of sub rule (19) of Rule 22]

Notice

Whereas a claim for compensation has been made by applicant, against and the said has claimed that you are liable under Section 93(3)(4) of the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim. You are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Date 20

.....
Competent authority

Form XXXV

[See clause (iv) of sub rule (19) of Rule 22]

Notice

Where a claim for compensation has been made by applicant, against and the said has claimed, that is liable under Section 93 (3) (4) of the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said on notice served has claimed that you stated to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on And contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party In default of your appearance you will be deemed to admit the validity of any award made against the opposite party. and your liability to indemnify the opposite party for any compensation recovered from him :-

Date 20

.....
Competent authority

FORM - XXXVI

[See sub rule (1) of Rule 29]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

1. Serial Number:
2. Name of woman and her father's (or, if married, husband's) name:
3. Date of appointment:
4. Nature of work:
5. Dates with month and year in which she is employed, laid off and not employed:

| Month | No. of days employed | No. of days laid off | No. of days not employed | Remark |
|-------|----------------------|----------------------|--------------------------|--------|
| a | b | c | d | e |
| | | | | |

6. Date on which the woman gives notice under Section 62:
7. Date of discharge/dismissal, if any:
8. Date of production of proof of pregnancy under Section 62:
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/ tubectomy operation /death/ adoption of child.
11. Date of production of proof of illness referred to in Section 65.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under Section 64.
15. Date with the amount of wages paid on account of leave under Section 65(1) & 65(3).

16. Date with the amount of wages paid on account of leave under Section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under Section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.

FORM XXXVII

[See sub rule (3) of Rule 29]

Unified Annual Return

A. General Part:

- (a) Name of the establishment
Address of the establishment:
House No./Flat No Street No./Plot
No
Town District State"
.....pin code
- (b) Name of the
employer
Address of the employer:
House No./Flat No Street No./Plot No
.....
Town District State"
..... pin code
- E-mail ID Telephone
Number Mobile number
- (c) Name of the manager or person responsible for supervision and control of
establishment:
.....
.....
Address:
House No./Flat No Street No./Plot
No
Town District State
E-mail ID Telephone
Number Mobile number...

B. Employer's Registration/License number under the Codes mentioned in column (2) of the table below:

| S. No. | Name (2) | Registration (3) | If yes (Registration No.) (4) |
|-----------|--|---------------------|-------------------------------------|
| 01. | The Code on Occupational Safety Health and Working Conditions Code 2020. | | |
| 02. | The Code on Social Security 2020. | | |
| 03. | Any other Law for the time being in force. | | |

C. Details of Employer, Contractor and Contract Labour:

| | | |
|-----|---|---|
| 01. | Name of the employer in the case of a contractor's establishment | |
| 02. | Date of commencement of the establishment. | |
| 03. | Number of Contractors engaged in the establishment during the year. | |
| 04. | Total Number of days during the year on which Contract Labour was employed. | |
| 05. | Total Number of man-days worked by Contract Labour during the year | |
| 06. | Name of the Manager or Agent (in case of mines). | |
| 07. | Address House No./ Flat No. Town District Pin Code E-mail ID Mobile Number | Street/ Plot No. State Telephone Number |

D. Working hours and weekly rest day:

| | |
|-----|---|
| 01. | Number of days worked during the year. |
| 02. | Number of mandays worked during the year. |
| 03. | Daily hours of work. |
| 04. | Weekly day of rest. |

E. Maximum number of persons employed in any day during the year:

| Sl. No. | Males | Females | Adolescents (between the age of 14 to 18 years.) | Children (below 14 years of age.) | Total |
|---------|-------|---------|--|-----------------------------------|-------|
| | | | | | |

F. Wage rates (Category Wise):

| Category | Rates of Wages | No. of workers | | | | | | | |
|----------------|----------------|----------------|--------|----------|------------|----------|--------|----------|------------|
| | | Regular | | | | Contract | | | |
| | | Male | Female | Children | Adolescent | Male | Female | Children | Adolescent |
| Highly Skilled | | | | | | | | | |
| Skilled | | | | | | | | | |
| Semi-skilled | | | | | | | | | |
| Unskilled | | | | | | | | | |
| | | | | | | | | | |

G. (a) Details of Payments:

| Gross wages paid | | Deductions | | | Net wages paid | |
|------------------|---------|------------|-------------------------------|--------|----------------|---------|
| In cash | In kind | Fines | Deductions for damage or loss | Others | In cash | In kind |
| | | | | | | |

(b) Number of workers who were granted leave with wages during the year:

| Sl. No. | During the year | Number of workers | Granted leave with wages |
|---------|-----------------|-------------------|--------------------------|
| | | | |

H. Details of various welfare amenities provided under the statutory schemes:

| Sl. No. | Nature of various welfare amenities provided | Statutory (Specify the statute) |
|---------|--|---------------------------------|
| | | |

I. Maternity Benefit under the Social Security Code , 2020:**(a) Details of establishments, medical and para-medical staff:**

| | | | |
|----------|--|--|--|
| 01. | Date of opening of establishment | | |
| 02. | Date of closing, if closed | | |
| 03. | Name of Medical Officer | | |
| 03(i) | Qualification of Medical Officer | | |
| 03(ii) | Is Medical Officer present (at the mines or circus) ? | | |
| 03(iii) | If he is a part time doctor, how often does he/ she pay visit to establishment ? | | |
| 03(iv) | Is there any Hospital? | | |
| 03(v) | If so, how many beds are provided? | | |
| 03(vi) | Is there a lady Doctor? | | |
| 03(vii) | If so, what is her qualification? | | |
| 03(viii) | Is there a qualified mid-wife? | | |
| 03(ix) | Has any crèche been provided? | | |

(b)Leave Granted under the Social Security Code,2020

| | | |
|-----|--|--|
| 01. | Total number of female employees in the establishment | |
| 02. | Total number days of leave granted | |
| 03. | Number of employees granted maternity leave/benefited by ESI | |

Declaration

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign. Here

FORM-XXXVIII

[See sub rule (1)(2)(3) of Rule 30]

Notice to the Employer who committed an offence for the first time for compounding of offence under sub-section (1) of Section 138 of the Code on Social Security, 2020

Notice No

Date:

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment (Registration No), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:-

PART - I

(See Rule 30)

1. Name of the Person:
2. Name and Address of the Establishment :
3. Registration No of the Establishment:
4. Particulars of the offence:
5. Provisions of the Code/ Scheme/ Rules/Regulations
under which the offence is committed:
6. Compounding amount required to be
paid towards composition of the
offence:
7. Name and Details of Account for
depositing the Amount specified in
Column 6:

PART -II

(See Rule 30)

In view of the above, you have an option to pay the abovementioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)**Date:****Place:****PART - III**

(See Rule 30)

**Application under sub-section (4) of Section 138 for
compounding of offence****Ref: Notice No****Date:**

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-I.

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of abovementioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then full details of the offence:

4. Any other information which the applicant desires to provide.

Signature of the applicant**(Name and Designation)****Dated:****Place:**

PART - IV
Composition Certificate
[See Rule 30 (3)]

Ref: Notice No

Date:

This is to certify that the offence under sub-sectionof section 133 of the Code on Social Security, 2020,in respect of which Notice No. Dated: was issued to Sh (Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs (Rupees.....) towards the composition of offences to the satisfaction of the said Notice.

(Signature)
Name and Designation of the Officer

Date:

Place:

FORM-XXXIX
[See clause (b) of sub-rule (3) of Rule 31]
Form for Reporting Vacancies to Career Centres
(Separate forms to be used for each type of posts)

| | | |
|----|---|--|
| 1. | Particulars of the employer: Name: Address with pin code: Telephone No.: Mobile No.: Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code: Economic activity details: | |
|----|---|--|

| | | | |
|----|--|-----------------|--------------------------|
| 2. | Particulars of the indenting Officer: Name: Designation: Telephone No.: Mobile No.: Email address : | | |
| 3. | (a) Designation/ nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/ functional role) | | |
| | (c) Qualifications/ Skills required (educational, technical, experience) | Essential | Desirable/ Preferable |
| | (i) Educational Qualifications (ii) Technical Qualifications (iii)Skills (iv)Experience | | |
| | (d) Age Limits, if any (Age as on last date of application) | | |
| | (e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any | | |
| | (f) Duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more | Number of posts | |
| | | | |
| 4. | Whether there is any obligation for arrangement of giving reservation/preference to any category of persons such as Scheduled Caste (SC), Scheduled Tribe (ST), Economically Weaker Sections (EWS), Other Backward Classes (OBC), Ex-serviceman and persons with disabilities (PWDs), etc., in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below) | | |

| | Category | Number of vacancies to be filled | |
|-----|---|----------------------------------|---|
| 5. | (a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Servicemen (f) Persons with disabilities (PWDs) (g) Women (h) Others (specify) | Total | *By priority candidates *(Applicable for Central Government vacancies) |
| 6. | Pay and Allowances: For Government vacancies: Mention pay level/ pay scale of the post with basic pay/ pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any. | | |
| 7. | Place of work (Name of the town/ village and district, pin code, etc. in which it is situated) | | |
| 8. | Mode of Application (email, online, in writing, etc) and Last date for receipt of applications. | | |
| 9. | Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address, telephone No., website address in case of online) | | |
| 10. | Mode of Recruitment (Through Career Centre, | | |
| | Placement Agency, self management, any other mode (specify) | | |
| 11. | Would like to prefer submission of list of Eligible candidates registered with Career Centre | Yes/ No | |
| 12. | Any other relevant information | | |

Signature, Name & Designation of Authorised Signatory of establishment/ employer with seal & date

(For Official Use- to be filled by Career Centre)

| | | |
|-----|--|--|
| 13. | Name, address, email id of the Career Centre | |
| 14. | Date of receipt of Vacancies | |
| 15. | NIC Code of the establishment/ | |
| 16. | NCO Code of the post | |
| 17. | Unique Vacancy ID (number) | |

Signature, Name & Designation of Authorised Signatory of Career

Centre with seal & date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.

2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.

3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

Form-XXXX**[See sub-rule (6) of Rule 31]****Form of EIR (Employment Information Return)****Yearly Return to be submitted to the Career Centre (Regional) for the year ended**

The following information is required to be submitted under the Code on Social Security, 2020 (Chapter XIII – Employment Information & Monitoring).

| | | |
|--|--|--|
| Name & Address of the Employer | | |
| Whether – Head Office | | |
| Branch Office | | |
| Type of Establishment (Public/ Private Sector) | | |
| Nature of business/ Principal activity | | |
| Establishment Registration No. under the Code | | |
| 1. (a) Employment | | |
| Total number of manpower of establishment including working proprietors/ partners/ contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid). | | |
| Category MEN WOMEN OTHER (Transgender) TOTAL : PWDs (Persons with disabilities) out of above total | On the last working day of the previous Year | On the last working day of the Year under report |
| | | |
| | | |
| | | |
| | | |

(EIR-continued)

| 2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year. | | | | |
|---|--------------------------|-------------------------|--------|--|
| Occurred | Reported | | Filled | Source (Career Centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ Others) |
| | Career Centre (Regional) | Career Centre (Central) | | |
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

*As per provisions of code on Social Security, 2020 (Chapter XIII) and Rules made there under,

3. MANPOWER SHORTAGES:

Vacancies/ posts remained unfilled because of shortage of suitable applicants.

| Name of the occupation or designation of the post | Number of unfilled vacancies/ posts | | |
|---|--|-----------|-----------|
| | Skill/ qualifications (educational / technical/ experience) prescribed | Essential | Desirable |
| 1 | 2 | 3 | 4 |
| | | | |

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Required by Occupational Classification during the next calendar year (Please give below the number of employees in each occupation separately).

| Occupation | Number of employees | | | | | |
|-------------------|----------------------------|------------|--------------|---------------------------------|--------------|--|
| | Description | Men | Women | Others (transgender) | Total | PWDs (persons with disabilities) out of total |
| 1 | 2 | 3 | 4 | 5 | 6 | |
| * | | | | | | |
| | | | | | | |
| | | | | | | |
| Total : | | | | | | |

* In the column (description) - Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), manager (Accounts), Executive (marketing), Data Entry Operator so on.

Signature, Name & Designation of Authorised Signatory

Of establishment/ employer with seal & date

To

The Career Centre,

.....

Note:- 1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the financial year concerned by establishment/ employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment of Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/ employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the job seekers and connecting them with the employers. This is helpful in ascertaining the skill needs also, Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

By Order

(Shri. C. Songate, IRS),
Principal Secretary to the Government of Meghalaya,
Department of Labour, Employment & Skill Development.

The 17th January, 2025.

No.EDN.85/2024/3. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules, in supersession of the Meghalaya School Education Service Rules, 2012 and Meghalaya School Service Rules, 2012, regulating the recruitment and conditions of service of persons appointed to the Meghalaya School Service.

THE MEGHALAYA SCHOOL SERVICE RULES, 2025

1) Short title and commencement:

- a) These Rules may be called the Meghalaya School Service Rules, 2025,
- b) They shall come into force from the date of their notification in the official Gazette.

2) Definitions:

- a) 'Appointing Authority' means the Governor of Meghalaya;
- b) 'Recruitment Board' means the Meghalaya Education Recruitment Board;
- c) 'Committee' means the Departmental Promotion Committee constituted under Rule 7;
- d) 'Government' means the Government of Meghalaya;
- e) 'Governor' means the Governor of Meghalaya;
- f) 'Grade' means a grade of the service;
- g) 'Member of the Service' means member of the Meghalaya School Service;
- h) 'Rules' means the Meghalaya School Service Rules;
- i) 'Schedules' means the Schedule appended to these Rules;
- j) 'Select List' means the list prepared by the Committee;
- k) 'Service' means the Meghalaya School Service, and
- l) 'Year' means a Calendar Year.

3) Constitution of the Service:

There shall be constituted a Service to be known as the Meghalaya School Service consisting of the following persons, namely:

- a) persons appointed to different posts in the service on or after 21stJanuary, 1972 but before the commencement of these Rules.
- b) persons appointed to different posts in the service in accordance with the provisions of these Rules.

4) Composition and Strength of the Service:

- (1) (a) the Service shall comprise of following services and grades, *viz.*

School Education Service:

| | | |
|------|-----------------------------|--|
| i. | Selection Grade | Director (Cadre post of IAS/MCS) |
| ii. | Senior Grade I (Level 20) | Additional Director |
| iii. | Senior Grade II (Level 19) | Joint Director |
| iv. | Senior Grade III (Level 18) | Deputy Director District School Education Officer (DSEO) |
| v. | Junior Grade I (Level 16) | Additional District School Education Officer Special Officer (Science) Principal (HSS) |
| vi. | Junior Grade II (Level 15) | Sub-Divisional School Education Officer (SDSEO) Headmaster/Headmistress (SS) Special Officer |

Senior School Service:

| | | |
|------|----------------------|--|
| i. | Grade I (Level 15) | Sr. Lecturer |
| ii. | Grade II (Level 14) | Lecturer |
| iii. | Grade III (Level 13) | Asst. Lecturer Vice Principal (HSS) Asst. Headmaster/Headmistress (SS) Addl. SDSEO Sr. Teacher (SS) |
| iv. | Grade IV (Level 12) | Teacher (SS) Sub Inspector of Schools District Science Supervisor Technical Assistant Science Education Social Education Organiser (SEO) |
| v. | Grade V (Level 11) | Asst. Teacher (SS) |

UP School Service:

| | | |
|------|---------------------|-------------------------|
| i. | Grade I (Level 10) | Senior Teacher (UPS) |
| ii. | Grade II (Level 9) | Teacher (UPS) |
| iii. | Grade III (Level 8) | Assistant Teacher (UPS) |

LP School Service:

| | | |
|------|---------------------|-------------------------|
| i. | Grade I (Level 7) | Senior Teacher (LPS) |
| ii. | Grade II (Level 6) | Teacher (LPS) |
| iii. | Grade III (Level 5) | Assistant Teacher (LPS) |

- (b) Each of the categories of Grade shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provision in these Rules.
- (2) The strength and composition of the Service and the nature/categories of posts shall be determined by the Government from time to time.

- (3) At the commencement of these Rules, the composition of the Service and the nature/categories of posts therein shall be as shown in Schedule I and Schedule II.
- 5) **Status:** The status of the service is governed by the pay scale and norms set by the Finance Department. Pay level 15 and above shall be gazetted, while pay level 14 and below shall be non-gazetted.
- 6) **Method of Appointment and Recruitment:** Appointment and recruitment to the Service shall be carried out in the manner prescribed hereinafter:
- (1) Appointment to any post in Senior Grade I of the Service shall be made by promotion from amongst the members belonging to Senior Grade II as specified in the Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.
 - (2) Appointment to any post(s) in the Senior Grade II of the Service shall be made by Promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Senior Grade III as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.
 - (3) Appointment to any post(s) in Senior Grade III of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade I as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8. For the purpose of seniority, the date of joining in the Junior Grade-I shall be considered.
 - (4) Appointment to the post(s) Junior Grade I of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade II and Grade I of Senior School Service (Sr. Lecturers) as specified in Schedule II by way of separate gradation lists. The proportion of promotion from Junior Grade II and Grade I of Senior School Service (Sr. Lecturers) shall be determined by government from time to time. At the commencement of these Rules, the proportion shall be 50:50.
 - (5) Appointment to Sub-Divisional School Education Officer (SDSEO) and Headmaster/Headmistress (SS) posts of Junior Grade II of the Service shall be made by promotion from amongst the members of Sr. Teacher (SS) as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8. The Sr. Teachers (SS) shall also include those members who have been posted as Vice Principals/ Assistant Headmasters/Assistant Headmistress/Additional SDSEO.
 - (6) Appointment to the post of Special Officer of Junior Grade II of the Service shall be filled up by encadrement on transfer of the Senior Lecturers.
 - (7) Appointment to posts of Senior Lecturer shall be made by way of Time-scale promotion of those who have served as a Lecturer for 10 years.
 - (8) Appointment to posts of Lecturer shall be made by way of Time-scale promotion of those who have served as an Assistant Lecturer for 10 years.
 - (9) Appointment to posts of Assistant Lecturer shall be made by way of Direct Recruitment to be done by MERB to the extent of 75% of the vacancies. The remaining 25% of the vacancies shall be filled by eligible Teachers of Secondary School (Asst. Teacher/Teacher/Sr.Teacher) having requisite qualifications as notified by National Council of Teacher Education (NCTE) from time to time.

- (10) Appointment to the post of Vice Principal (HSS), Assistant Headmaster/Headmistress (SS) and Additional SDSEO shall be filled up by encadrement on transfer of the Senior Teachers (SS). Senior Teachers (SS) shall also include the senior teachers (*i.e.* Level-13) who are posted on various positions on transfer.
- (11) Appointment to posts of Senior Teacher (SS) shall be made by way of Time-scale promotion of those who have served as a Teacher (SS) for 10 years.
- (12) Appointment to posts of Teacher(SS) shall be made by way of Time-scale promotion of those who have served as an Assistant Teacher(SS) for 10 years.
- (13) Appointment to the posts of Sub-Inspector of Schools, Technical Assistant Science Education, District Science Supervisor and Social Education Organiser shall be filled up by encadrement on transfer of the Teachers (SS).
- (14) Appointment to the post of Assistant Teacher(SS) shall be by way of Direct Recruitment to be done by MERB.
- (15) Appointment to posts of Senior Teacher (UPS) shall be made by way of Time-scale promotion of those who have served as a Teacher (UPS) for 10 years.
- (16) Appointment to posts of Teacher (UPS) shall be made by way of Time-scale promotion of those who have served as an Assistant Teacher (UPS) for 10 years.
- (17) Appointment to posts of Assistant Teacher (UPS) shall be made by way of Direct Recruitment procedure of which will be notified by competent authority from time to time.
- (18) Senior most teacher of Upper Primary School would be designated as Head Teacher (UPS).
- (19) Appointment to posts of Senior Teacher (LPS) shall be made by way of Time-scale promotion of those who have served as a Teacher (LPS) for 10 years.
- (20) Appointment to posts of Teacher (LPS) shall be made by way of Time-scale promotion of those who have served as an Assistant Teacher (LPS) for 10 years.
- (21) Appointment to posts of Assistant Teacher (LPS) shall be made by way of Direct Recruitment procedure of which will be notified by competent authority from time to time.
- (22) Senior most teacher of Lower Primary School would be designated as Head Teacher (LPS).

7) Departmental Promotion Committee:

- 1) For the purpose of appointment by promotion under sub rules (1) to (6) of rule 6 and time-scale promotion under sub-rule (7) of rule 6, there shall be a Departmental Promotion Committee consisting of the following members:

| | | |
|------|--|------------------|
| i. | Chief Secretary | Chairman |
| ii. | Principal Secretary/ Commissioner & Secretary, Finance | Member |
| iii. | Principal Secretary / Commissioner & Secretary/ Secretary, Personnel | Member |
| iv. | Principal Secretary/Commissioner & Secretary/Secretary, Education | Member Secretary |
| v. | Director, School Education & Literacy | Member |

- 2) For the purpose of appointment by promotion/encadrement and time-scale promotion under sub-rule (8) onwards of rule 5, there shall be a Departmental Promotion Committee consisting of the following members:

| | | |
|------|---|------------------|
| i. | Principal Secretary/Commissioner & Secretary, Education | Chairman |
| ii. | Principal Secretary/Commissioner & Secretary, Personnel or his representative | Member |
| iii. | Principal Secretary/Commissioner & Secretary, Finance or his representative | Member |
| iv. | Secretary, Education | Member |
| v. | Director, School Education & Literacy | Member Secretary |

The Committee may invite any other persons to attend its meeting if and when considered necessary:

8) Procedure for preparing the selected list:

- (a) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each cadre of the Service during the year. To enable the Committee to prepare the lists for promotion to those grade, the Appointing Authority shall furnish the Committee with the following documents, namely:
 - i. A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (a),

Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.
 - ii. The Character Rolls and Service Records of such members.
 - iii. Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.
- (b) The Committee after examining the Character Roll, Service Records and other documents in respect of all such person, shall prepare a list based on seniority with due regards to individual merit and suitability. The number of persons to be included in the Select List shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.
- (c) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.
- (d) For the purpose of appointment by promotion under rule 6, the Appointing Authority shall consider and approve the list prepared by the Committee along with the ACR and Service Records and other documents in respect of each person in the list unless it considers that any change is necessary. If the Appointing Authority considers that it is necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as may in its opinion to be just and proper.
- (e) The list approved under rule (d) above shall form the Select List for the purpose of appointment by promotion under Rule 6.

(f) For the purpose of Time Scale Promotion and encadrement, the Department shall issue detailed procedure through a notification.

9) Validity of the selected list:

(a) The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority with the approval of the Commission;

Provided that such an extension shall not be for a total period exceeding six months;

Provided further, that in the event of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if it thinks fit, remove the name of such persons from the Select List in consultation with the Appointing Authority. The reasons for doing so shall be recorded in writing.

(b) The Committee shall meet once a year to review the Select List.

10) Direct Recruitment:

(a) Competitive Examination for direct recruitment shall be held at such interval as the Appointing Authority may decide.

(b) The examination shall be conducted in accordance with such syllabus as the Appointing Authority may from time to time make.

(c) Out of the number of vacancies to be filled up on the result of each examination, there shall be reservation in favour of candidates belonging to Schedule Caste and Schedule Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.

(d) On the basis of the result of the examination, the Appointing Authority shall prepare a list of all successful candidates in order of merit which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtain equal marks, the Appointing Authority shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidate for appointment to the post. The number of persons to be included in the list shall be according to the actual vacancies that are likely to occur during the recruitment. The list shall be forwarded to the Appointing Authority.

(e) The inclusion of a candidate's name in the list confers no right to appointment unless the Government is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that the appointment to any post in the service is subject to availability of vacancy.

(f) Competitive Examination for direct recruitment shall be held at such interval and in such a manner as the Government may decide.

11) Conditions of eligibility for appearing at the Competitive Examination:

In order to be eligible to compete at the Examination for direct recruitment, a candidate must satisfy the following conditions, namely;

- | | | |
|-----------------------|---|---|
| i. Nationality | - | He/She must be a citizen of India. |
| ii. Age | - | He/she must have attained the age of 18 years and must not have exceeded the age of 32 years on the first day of the year in which the advertisement is made; |

Provided that in the case of candidate belonging to Schedule Caste and Schedule Tribe, the upper age limit will be subject to relaxation made by the Government from time to time.

iii. **Educational Qualifications** - As laid down in Schedule II.

12) Disqualification for appointment to the Service:

- (i) No person who, after such medical examination as the Government may prescribe is not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him unfit in the discharge of his duties shall be appointed to the service.
- (ii) No person who has been convicted for any offence involving moral turpitude shall be appointed to the service.
- (iii) No person who has more than one spouse living shall be eligible for appointment to the service;
Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule (iii).
- (iv) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by other means, shall be appointed to a post in the Service.

13) Appointment to posts in the Service:

- a) Appointment to any post in the Service under Rule 6 shall be made by the Appointing Authority.
- b) Subject to the provisions of sub-rule (a) and (e) of Rule 10 appointment by direct recruitment under Rule 6(d) shall be made from time to time in order in which the names of candidates appear in the Merit List prepared under sub-rule (d) of Rule 8.
- c) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which and unless the Appointing Authority extend the period of joining which shall not in any case exceed three months, the appointment shall be cancelled.
- d) Appointment under Sub-Rules (1), (2), (3) and (4) of the Rule 6 shall be made in the order the names of candidates appear in the Select List approved under sub-rule (d) of Rule 10.

14) Probation:

Every person appointed under Sub Rule (9), (14), (17) and (21) of Rule 6 shall be on probation for a period of 2 (two) years;

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding two years;

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity may, having regard to his performance, be counted towards the period of probation.

15) Departmental Examination and Training:

MERB shall prescribe a departmental examination and/or training for all entry level posts from time to time.

16) Discharge or reversion of a probationer:

A probationer shall be liable to be discharged from the post he/she holds in the service or reverted to the permanent post in which he holds a lien had he/she not been suspended under the rules applicable to him prior to his appointment to the post as the case may be, if:

- i. He/she fails to make sufficient use of the opportunities given during the training or fails to give satisfactory performance during the period of probation, or
- ii. He/she fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed, or
- iii. On any information received relating to his/her nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

17) Seniority:

- (a) The seniority in any group, of persons brought from the Central Government or from other State Governments on deputation and subsequently absorbed permanently under the Government of Meghalaya before or after the commencement of these Rules shall be determined with effect from the date such persons started serving continuously in that group as deputationist and will rank junior to the junior most person in position in that particular group at that particular time.
- (b) The interse seniority of the members of the Service appointed to different cadres shall be determined in the order in which their names appeared in the Select List approved undersub-rule (d) of Rule 8 or in the Merit List prepared under sub-rule (d) of Rule 10;
Provided that in any cadre a member appointed by promotion shall be senior to a member appointed by direct recruitment, where such appointment falls in the same year.
- (c) If confirmation of any member of the Service is delayed on account of his/her failure to qualify for such confirmation, he shall have lost his position in order to seniority in that cadre *vis-a-vis* such of his juniors who may be confirmed earlier than him/her.

18) Confirmation:

Confirmation of a probationer in a service shall be made according to his/her seniority in the service subject to the following conditions, namely:-

- i. that he/she has completed the period of probation to the satisfaction of the Appointing Authority.
- ii. that he/she has successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.
- iii. that vacancy is available and no Officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of not successfully undergoing the said training but such persons shall, when called upon by the Appointing Authority and opportunity given, successfully undergo that said training, failing which he shall be liable to be removed from service unless the Appointing Authority allows him other chances.

Provided further, that the Appointing Authority may, for good and sufficient reasons, exempt a member of the service from passing any one or more of the prescribed Departmental Examination and Training and confirm him in the respective cadre of the Service.

19) Gradation List:

There shall be prepared and published annually an up-to-date gradation list as on 1st January consisting of the names of all members of the service cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be indicated against each name.

20) Time Scale of Pay:

- (1) Time Scale of pay admissible to the members of the service shall be as shown in Schedule-I subject to revision by Government from time to time.

21) Increment

- (a) The first increment admissible to a probationer shall accrue on the expiry of one year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the training courses as may be prescribed.
- (b) Such persons referred to in sub-rules (a), (b) and (c) of Rule 16 who have not passed the Departmental Examination or have not undergone the prescribed training shall be allowed to draw increment becoming due within a period of two years from the date of commencement of these Rules but further increments shall be allowed only on their passing of the Departmental Examination completely and on successful completion of the training course.
- (c) The pay of a member of the Service on his passing the Departmental Examination and/or the prescribed training course shall be fixed at such a stage as if they had been allowed his usual annual increments due but he shall not be entitled to any arrear in pay on account of with holding of due increment during the period prior to the date of passing the Departmental Examination and/ or the prescribed training course.
- (d) The increment admissible to a member of the Service promoted from one post to another shall accrue as admissible under the relevant Rules.

22) Leave, pension etc. and other conditions of service:

Except as provided under these rules, all matters generally relating to leave, pension, discipline and other conditions of service shall be regulated by rules and orders made by the Government from time to time and applicable to other State Government from time to time and applicable to other State Government servants holding corresponding status.

23) Power of the Governor to dispense with or relax any Rule:

The Governor, if satisfied that the operation of any of the provisions of these Rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such extent and subject to

such condition as he may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

24) Interpretation:

If any question arises relating to the interpretation of these rules the decision of the Government in the Education Department with the approval of the Personnel & AR Department shall be final.

25) Repeal and saving:

All rules, orders, or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

VIJAY KUMAR MANTRI,
Commissioner and Secretary to the Govt. of Meghalaya,
Education Department.

| Schedule - I [(Rule 4(1))] | | | |
|--------------------------------------|----------------------|--|------------------|
| S. No. | Service/Grade | Post | Pay Level |
| School Education Service: | | | |
| 1. | Selection Grade | Director (Cadre post of IAS/MCS) | NA |
| 2. | Senior Grade I | Additional Director | Level 20 |
| 3. | Senior Grade II | Joint Director | Level 19 |
| 4. | Senior Grade III | Deputy Director District School Education Officer (DSEO) | Level 18 |
| 5. | Junior Grade I | Additional District School Education Officer Special Officer (Science) Principal (HSS) | Level 16 |
| 6. | Junior Grade II | Sub-Divisional School Education Officer (SDSEO) Headmaster/Headmistress (SS) Special Officer | Level 15 |
| Senior School Service: | | | |
| 7. | Grade I | Sr. Lecturer | Level 15 |
| 8. | Grade II | Lecturer | Level 14 |
| 9. | Grade III | Asst. Lecturer Vice Principal (HSS) Asst. Headmaster/Headmistress [SS] Addl. SDSEO Sr. Teacher (SS) | Level 13 |
| 10. | Grade IV | Teacher (SS) Sub Inspector of Schools District Science Supervisor Technical Assistant Science Education Social Education Organiser (SEO) | Level 12 |
| 11. | Grade V | Asst. Teacher (SS) | Level 11 |
| UP School Service: | | | |
| 12. | Grade I | Senior Teacher (UPS) | Level 10 |
| 13. | Grade II | Teacher (UPS) | Level 9 |
| 14. | Grade III | Assistant Teacher (UPS) | Level 8 |
| LP School Service: | | | |
| 15. | Grade I | Senior Teacher (LPS) | Level 7 |
| 16. | Grade II | Teacher (LPS) | Level 6 |
| 17. | Grade III | Assistant Teacher (LPS) | Level 5 |

| Schedule - II [(Rule 4 (1)] | | | | | |
|---------------------------------------|---|---|---|---|---------------------------------|
| Sl. No. | Cadre/Posts | Method of Recruitment/ Appointment | Person(s) Eligible for Consideration | Experience (Combined & Continuous) | Appointing Authority |
| 1 | Additional Director | Promotion | Joint Director | 20 years | Department |
| 2 | Joint Director | Promotion | Deputy Director/DSEO | 20 years | Department |
| 3 | Deputy Director/ DSEO | Promotion | Additional District School Education Officer/Special Officer (Science)/Principal (HSS) | 20 years | Department |
| 4 | Additional District School Education Officer/Special Officer (Science)/ Principal (HSS) | Promotion [50:50 for Sr. Lecturers and SDSEO/Headmaster/ Headmistress/Special Officer] | Sr. Lecturer/SDSEO/ Headmaster (SS)/ Headmistress (SS)/ Special Officer | 20 years | Department |
| 5 | Sub-Divisional School Education Officer (SDSEO)/ Headmaster/ Headmistress (SS) | Promotion | Sr. Teachers (SS) | 20 years | Department |
| 6 | Special Officer | Encadrement | Sr. Lecturers | 20 years | Department |
| 7 | Sr. Lecturer | Time Scale Promotion | Lecturer | 20 years | Department |
| 8 | Lecturer | Time Scale Promotion | Asst. Lecturer | 10 years | Department |
| 9 | Asst. Lecturer | 75% Direct Recruitment & 25% by promotion of eligible teachers | Sr. Teacher/Teacher/ Asst. Teacher | NA | MERB & Department |
| 10 | Vice Principal (HSS)/Asst. Headmaster/ Headmistress (SS)/Addl. SDSEO/ | Encadrement | Sr. Teacher (SS) | 20 years | Department |

| | | | | | |
|-----------|--|----------------------|---------------------|----------|------------|
| 11 | Sub-Inspector of Schools/District Science Supervisor/ Technical Assistant Science Education/Social Education Organiser (SEO) | Encadrement | Teacher (SS) | 10 years | Department |
| 12 | Sr. Teacher (SS) | Time Scale Promotion | Teacher (SS) | 20 years | Department |
| 13 | Teacher (SS) | Time Scale Promotion | Asst. Teacher (SS) | 10 years | Department |
| 14 | Asst. Teacher (SS) | Direct Recruitment | As per NCTE norms | NA | MERB |
| 15 | Senior Teacher (UPS) | Time Scale Promotion | Teacher (UPS) | 20 years | DSEL |
| 16 | Teacher (UPS) | Time Scale Promotion | Asst. Teacher (UPS) | 10 years | DSEL |
| 17 | Assistant Teacher (UPS) | Direct Recruitment | As per NCTE norms | NA | DSEO |
| 18 | Senior Teacher (LPS) | Time Scale Promotion | Teacher (LPS) | 20 years | DSEL |
| 19 | Teacher (LPS) | Time Scale Promotion | Asst. Teacher (LPS) | 10 years | DSEL |
| 20 | Assistant Teacher (LPS) | Direct Recruitment | As per NCTE norms | NA | SDSEO |